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ZONING COMMISSION

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PUBLIC HEARING

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In the Matter of:

APPLICATION OF FLORIDA ROCK Case No. 95-16P  
PROPERTIES, INC.

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Hearing Room 220 South  
441 4th Street, N.W.  
Washington, D.C.

Tuesday  
September 23, 1997

The above-entitled matter came on for  
hearing, pursuant to notice, at 7:06 p.m.

BEFORE:

MAYBELLE TAYLOR BENNETT Chairperson  
HERBERT M. FRANKLIN Commissioner  
JOHN G. PARSONS Commissioner

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P-R-O-C-E-E-D-I-N-G-S

(7:06 P.M.)

CHAIRPERSON BENNETT: Good evening ladies and gentlemen. My name is Maybelle Taylor Bennett. I am chairperson of the District of Columbia Zoning Commission. Joining me this evening are Commissioners Franklin and Parsons. I declare this public hearing open.

The case that is the subject of this hearing is case number 95-16P, an application from Florida Rock Properties, Incorporated, requesting preliminary first stage approval of a planned unit development and related changes to zoning from M to C-3C for lots 800, 801, and 802 in square 707; lot 809 in square 708; lot 807 and 808 in square 708E; and lot 806 in square 708S.

This continued hearing will be conducted in accordance with the provisions of DCMR 3022. The order of procedure will be as follows: first, preliminary matters; second, completion of the applicant's case; third, the report of the Office of Planning; fourth, the report of other agencies; fifth, the report of the Advisory Neighborhood Commissions, 6B and 2D, parties in support, persons in support, parties in opposition, persons in opposition.

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1                   The Commission will adhere to this  
2                   schedule as strictly as possible. Those presenting  
3                   testimony should be brief and nonrepetitive. If you  
4                   have prepared a statement, please give copies to  
5                   staff and only summarize the highlights. Each  
6                   individual appearing before the Commission must  
7                   complete two identification slips and give them to  
8                   the reporter before making a statement. If these  
9                   guidelines are followed, an adequate record can be  
10                  developed in a reasonable length of time.

11                  The decision of the Commission in this  
12                  contested case must be based exclusively on the  
13                  public record. To avoid any appearance to the  
14                  contrary, the Commission requests that parties,  
15                  counsel, and witnesses not engage the members of the  
16                  Commission in conversation during any recess or at  
17                  the conclusion of the hearing session. While the  
18                  intended conversation may be entirely unrelated to  
19                  the case that is before the Commission, other  
20                  persons may not recognize that the discussion is not  
21                  about the case.

22                  The staff will be available to discuss  
23                  procedural questions.

24                  All individuals who wish to testify and  
25                  who were not previously sworn, please rise to take  
26                  the oath.

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1 Ms. Van Dorn do you plan to testify

2 Is there anyone else who planned to  
3 testify if you have not previously been sworn.

4 If you have previously been sworn it is  
5 still all right is it not Ms. Dobbins?

6 MS. DOBBINS: Yes, it is. You are still  
7 under oath and you are sworn in this case.

8 CHAIRPERSON BENNETT: All right, because  
9 this is a continuation. Anyone else?

10 MS. DOBBINS: Please raise your right  
11 hand.

12 (The witnesses were sworn.)

13 MS. DOBBINS: Thank you, please be  
14 seated.

15 CHAIRPERSON BENNETT: Okay. Thank you.

16 Let's begin with preliminary matters. I  
17 do know of one and that is Ms. Ambrose had requested  
18 to be able to testify at the beginning of the  
19 hearing.

20 Are there any other preliminary matters  
21 before I call her to the stand?

22 MS. DOBBINS: Madame Chair, the only  
23 other preliminary matter that I have would be that a  
24 request from The Committee of 100 that the record  
25 remain open for at least a week to receive their  
26 written testimony in this case. You have a copy of

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1       that.

2                   CHAIRPERSON BENNETT:   Okay.

3                   And there is an additional expert  
4       planning consultant I understand.

5                   MS. DOBBINS:   There is a request.

6                   CHAIRPERSON BENNETT:   All right.   We  
7       will get that -- we have to consider whether or not  
8       this expert is expert enough to appear before us as  
9       an expert.

10                  MR. PARSONS:   That shouldn't take over  
11       an hour right?

12                  (Laughter.)

13                  CHAIRPERSON BENNETT:   If there are no  
14       further preliminary matters, why don't we ask Ms.  
15       Ambrose to come forward.

16                  Good evening.

17                  MS. AMBROSE:   Good evening Ms. Bennett.

18                  I am City Councilmember Sharon Ambrose,  
19       representing Ward 6 on the Council of the District  
20       of Columbia.

21                  CHAIRPERSON BENNETT:   Excuse me, could  
22       you please press the green button there.

23                  MS. AMBROSE:   And I thank you ladies and  
24       gentlemen for your indulgence in allowing me to  
25       speak early tonight to accommodate my schedule.

26                  I am pleased to present testimony in

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1 support of the project at issue in PUD case number  
2 95-16P. The case before you is a unique private  
3 sector initiative for much needed economic  
4 development in Ward 6. The location of the proposed  
5 development on what is one of the few privately  
6 owned waterfront properties along the Anacostia  
7 river makes this project one which all of us need to  
8 give careful consideration.

9 The District of Columbia has been very  
10 tardy in recognizing the potential of its  
11 riverfronts for appropriate and needed residential  
12 and commercial development, as well as for  
13 recreational and educational uses.

14 The Office of Planning recommendations  
15 for the Buzzard Point-Capitol Gateway Overlay  
16 District provide a thoughtful and proactive blue  
17 print for the kind of development that can begin to  
18 take advantage of the special urban resource of our  
19 waterfront. The Office of Planning recommendations  
20 in the case before you tonight represent a balanced  
21 consideration of the proposed PUD within the context  
22 of that overlay district recommendation.

23 The location of the proposed PUD is an  
24 area that is currently under developed. And I  
25 welcome the interest of the owner of the property  
26 known as the Florida Rock site in developing this

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1 important element of riverfront to not only a higher  
2 and better use, but a use that will dramatically  
3 increase public access to an improved waterfront.  
4 The exciting development at the Washington Navy Yard  
5 provides an economic catalyst that could be  
6 definitively leveraged by the kind of development  
7 proposed for this PUD.

8               There are, however, concerns with the  
9 Florida Rock proposal. Advisory Neighborhood  
10 Commission 6B articulated some of theses concerns in  
11 its March vote against the proposal when it first  
12 came before you. Some of ANC 6B's concerns were  
13 similar to the issues raised by the Office of  
14 Planning at that same hearing.

15              I have carefully reviewed the response  
16 of the applicant to those issues and find that many  
17 of them have been addressed in the adjusted proposal  
18 which you have before you this evening. The  
19 critical considerations of the project's mass, urban  
20 design elements, and provision of access to the  
21 waterfront have been thoughtfully addressed in the  
22 new design. And a greatly improved access and more  
23 open river vista it allows.

24              In responding to those concerns,  
25 however, the applicants have determined that the  
26 site will not accommodate the previously hotel

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1 component which would have met by a stretch of  
2 definition the overlay requirement for residential  
3 element. I find this a distressing complication. I  
4 believe that we need residential development along  
5 the waterfront and that it is marketable in the  
6 District as developments along the Potomac river  
7 have proved.

8 As a 30 year resident of Ward 6 I also  
9 know that the area in which this PUD is located is  
10 not an area where privately financed market rate  
11 housing is currently a viable prospect. The  
12 question becomes do we refuse to allow any  
13 development along the Anacostia in Ward 6 that does  
14 not include residential or do we deal with each  
15 parcel within the desired mixed use context of the  
16 overlay zone and the extant economic reality as each  
17 individual parcel can contribute to the long range  
18 goal?

19 I believe that the Office of Planning  
20 accurately expressed this dilemma in its March 26  
21 comments on the PUD when it stated: "The primary  
22 issues and choices are fairly clear, whether to  
23 approve a large all commercial PUD suitable for a  
24 major federal tenant with no assurance that the  
25 residential component would ever be built, but with  
26 a chance that a major commercial development would

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1 ultimately be a catalyst for mixed use development.  
2 Or to require" -- the emphasis is the Office of  
3 Planning's -- "a residential component effectively  
4 precluding the proposed PUD and leaving the  
5 development future of the area rather bleak for the  
6 foreseeable future.

7 I am here this evening to say that I  
8 support the approach of approving the PUD and  
9 working with the applicant, the community which I  
10 represent, and the ECC project which will implement  
11 some of the amenity provisions of the PUD to make  
12 this proposal a contributing element of the  
13 transforming of our Anacostia waterfront and the  
14 surrounding Near Southeast community. A  
15 transformation and opportunity firmly launched by  
16 the Navy Yard Project.

17 I also understand that we cannot afford  
18 a *Field of Dreams* approach to this critical  
19 development opportunity. This is indeed a  
20 speculative venture in many respects. The applicant  
21 has made firm assurances to the ECC project for  
22 continued support regardless of what transpires in  
23 respect to the larger project and the applicant will  
24 speak to those assurances this evening. That is  
25 very important to the community I represent.

26 In the assistance the applicant has

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1       assured the ECC the community will gain a  
2       wonderfully exciting, educational, and work training  
3       resource at a time and place where it is desperately  
4       needed. The applicant has also promised to work  
5       with the current and future tenants of the Florida  
6       Rock properties to encourage the employment of  
7       qualified neighborhood residents in existing jobs.

8               But the real benefits of this project  
9       and the potential for the realization of the goals  
10      for the overlay area are dependent in large part on  
11      persuading the U.S. Department of Transportation to  
12      locate in the building proposed for the site. I  
13      intend to work with the economic development  
14      agencies of the District, with my colleagues on the  
15      City Council, and with local private sector business  
16      leaders and property owners to urge Congress and the  
17      appropriate agencies of the federal government to  
18      approve the locating of the U.S. Department of  
19      Transportation at the Florida Rock site. As  
20      Congress and the President strive to assist the  
21      District to become a world class city we who are  
22      local elected officials and residents need to direct  
23      their attention to ways in which they can be  
24      immediately helpful. Planting the DOT on the  
25      Florida Rock site could be a major boost for  
26      economic revitalization in Ward 6.

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1                   We need to put some muscle into  
2                   achieving the economic development goals of this  
3                   city. In Ward 6 we want to enhance the quality of  
4                   life for all of our residents by expanding housing  
5                   and business opportunities throughout the ward. I  
6                   believe that approval of this PUD moves int that  
7                   direction.

8                   I ask, however, that you give serious  
9                   consideration to limiting the time frame of this  
10                  approval and any extensions of the approval. There  
11                  have been too many instances of PUD projects that  
12                  have been approved and have had those approvals  
13                  extended over long periods of time effectively  
14                  precluding any other potentially more viable  
15                  proposals for the same location from coming forward.

16                  Thank you for your consideration of my  
17                  testimony this evening.

18                  CHAIRPERSON BENNETT: Thank you Ms.  
19                  Ambrose, thank you for coming down.

20                  Let me ask you this question. So even  
21                  if this PUD were not able to build a residential  
22                  component, a hotel component you would still be in  
23                  favor of it, is that what you are saying?

24                  MS. AMBROSE: Yes I would, Ms. Bennett.  
25                  And I have to say that I feel very strongly that the  
26                  recommendations for mixed use that are presented in

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1 the Office of Planning overlay district for Buzzard  
2 Point-Capitol Gateway are very, very important. But  
3 the reality is that right now in that part of Ward 6  
4 residential in not going to happen. I believe that  
5 if we -- and it really goes against my planning  
6 instincts to say that we should adjust our vision of  
7 the comprehensive plan and the land use elements of  
8 that plan, project by project. But we have such an  
9 opportunity here with the Navy Yard development to  
10 really use that as launch for economic  
11 revitalization that I believe could also help us to  
12 bring residential to that area, that I just feel  
13 strongly that I should support this project. And I  
14 will encourage people in my community and property  
15 owners who own property down there to look a little  
16 bit harder at this area.

17 I think also that the NCPC Monumental  
18 Core proposal reinforces the desire for viable  
19 commercial development int his part of town. I am  
20 happy about the residential component but I really  
21 would not like to see us refuse this PUD because it  
22 doesn't contain the residential right now. I just  
23 don't think it is going to fly right now.

24 CHAIRPERSON BENNETT: Thank you very  
25 much. Colleagues, questions for Ms.  
26 Ambrose.

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1 Mr. Parsons.

2 MR. PARSONS: Yes. Thank you for coming  
3 and sharing your views. I have two questions. The  
4 first is your suggestion that we limit the time of  
5 this PUD. It has been our practice to do that for a  
6 two year period are you familiar with that?

7 MS. AMBROSE: Yes I am.

8 MR. PARSONS: Is that what you are  
9 suggesting?

10 MS. AMBROSE: No I am not. I am  
11 suggesting that -- I don't know what the appropriate  
12 time limitation should be. I do know, however, that  
13 there are PUD all over town, including Ward 6 that  
14 have been hanging out there for 10, 12 years in some  
15 cases. And it is a genuine discouragement to other  
16 people. So I think what I am suggesting is that  
17 whether two years is the right amount of time or not  
18 I am not sure. I am sure however that continued  
19 extensions has been a proven disincentive to  
20 development in some areas of the city.

21 MR. PARSONS: You have hit upon our  
22 dilemma as well. The idea and the planning goal is  
23 to have a lively waterfront with mixed use and so  
24 forth. And along comes the Department of  
25 Transportation request. And I wondered if you were  
26 implying -- not to put in your mouth -- that if the

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1 DOT decision did not land on this site, we should  
2 cancel the PUD. In other words the thrust of your  
3 testimony is to take advantage of that situation.

4 MS. AMBROSE: Let me just make clear to  
5 take advantage not only of the possibility that DOT  
6 could be a tenant, but also to take advantage of  
7 this symbiotic situation, if you will, that is  
8 created by what we know is going to happen at the  
9 Navy Yard.

10 MR. PARSONS: So your recommendation is  
11 not dependent on the DOT, in other words if we  
12 approved an all office component here and DOT went  
13 elsewhere, you would still have us leave this PUD  
14 open so they could shop for other tenants.

15 MS. AMBROSE: Yes. I am saying that  
16 because if it is possible to bring a viable  
17 commercial enterprise to this area at this time then  
18 I think we should do it because I think that allows  
19 us to leverage what's happening at the Navy Yard.  
20 So that we possibly begin to get some of the mixed  
21 use for that entire area both on the other side of  
22 the street, on the intervening -- there are two  
23 parcels intervening between the larger parcel and  
24 the 664 lot where ECC would be. I think any kind of  
25 commercial development that is viable, large enough  
26 to create a critical mass of enterprise down there

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1       that would help spur development and leverage the  
2       Navy Yard development is desirable.

3               MR. PARSONS:  One thing that we have  
4       learned in the business of zoning is that the next  
5       applicant --

6               MS. AMBROSE:  I know.

7               MR. PARSONS:  -- comes to us with this  
8       decision and says what's good enough for him is good  
9       enough for him is good enough for me.

10              MS. AMBROSE:  I know.

11              MR. PARSONS:  How --

12              MS. AMBROSE:  I don't know, you know.  
13       That is the real conundrum here.  And I think that  
14       for the foreseeable future in this particular area  
15       that we might just have to deal with it parcel by  
16       parcel.  Because this is a very fragile opportunity,  
17       I believe, very fragile.  And I want to tell you  
18       that it is going to take some real hustle on my part  
19       and that of the responsible city agencies to make  
20       some things happen down there.  And I will say quite  
21       candidly that it is going to take some cooperation I  
22       believe from the public housing receiver as well to  
23       do the kinds of renovation at the Arthur Capper  
24       project and at Potomac Gardens and some of the other  
25       projects that very immediately impact on this area  
26       to work with us in making some necessary changes.

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1 I think this is a gestalt here but this  
2 part of what can make it happen.

3 MR. PARSONS: Thank you.

4 CHAIRPERSON BENNETT: Mr. Franklin?

5 MR. FRANKLIN: No questions Ms. Ambrose  
6 but I greatly appreciate your testimony. You are  
7 singing my song because my colleagues know not  
8 granting extensions of PUDs very readily. We have  
9 adopted new regulations which allow us to scrutinize  
10 them up closely and I plan to do that when they come  
11 up before us because I agree with you that we have  
12 been to lax in extending those previous approvals  
13 without a really convincing showing that diligent  
14 good faith effort has been put into getting  
15 financing. And I happen to agree with you that we  
16 are dealing with an area of the city where parcel by  
17 parcel PUDs if it comes to that will be necessary  
18 for the foreseeable future because we really have a  
19 great difficulty in turning this area around. So  
20 thank you for sharing your insights with us.

21 MS. AMBROSE: Thank you.

22 CHAIRPERSON BENNETT: Hold on for a  
23 minute is there any cross examination by counsel?

24 MS. GIARDANO: No.

25 CHAIRPERSON BENNETT: Or by -- is there  
26 a representative from the ANC 2D?

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1 (No response.)

2 CHAIRPERSON BENNETT: ANC 6B?

3 (No response.)

4 CHAIRPERSON BENNETT: I suppose you will  
5 not want to cross examine Ms. Ambrose, but I offer  
6 you that opportunity.

7 All right thank you for coming down, we  
8 thank you for your testimony.

9 We now move onto the completion of the  
10 applicant's case. And the first order of business  
11 is -- why don't we entertain the request for having  
12 an additional expert planning consultant.

13 MS. GIARDANO: Yes thank you good  
14 evening members of the Commission. We would like  
15 Mr. Dobbins testify as to the consistency of the of  
16 the comprehensive plan. I believe we are one day  
17 short of the traditional 14 day notice who the  
18 witnesses are and what they are going to testify on  
19 if look at this in terms of a pre-hearing --

20 CHAIRPERSON BENNETT: Did you request a  
21 waiver?

22 MS. GIARDANO: I am requesting a waiver  
23 of one day. That is what I am getting to. So we are  
24 requesting a waiver of one. I just want to also  
25 note that the topic that he is going to be  
26 testifying on was clearly delineated in our pre-

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1       hearing submission. So the material is not new it  
2       is justa new face.

3                   CHAIRPERSON BENNETT: Okay, thank you.  
4       I have no problem with that. Any other parties have  
5       problem with that?

6                   (No response.)

7                   CHAIRPERSON BENNETT: Hearing none.

8                   MS. GIARDANO: Thank you very much.

9                   As you know we have submitted some urban  
10       design materials, a package prepared by Davis  
11       Buckley's firm. And what we would like to do is ask  
12       Mr. Buckley to not go through all those studies but  
13       just hit some of the highlights of the conclusions  
14       of the studies that were requested by the Commission  
15       that lead up to a new design approach that we are  
16       proposing this evening, which is the lowering of the  
17       height of the building and opening up of the gateway  
18       aspect. So I would ask if we could start with Mr.  
19       Buckley's presentation of that. And then we will go  
20       to Mr. Dobbins testimony and then Bob Nixon and Mark  
21       Davis from the Earth Conservation Corp have also  
22       provided some additional detail as to their proposal  
23       for the maritime institute on square 664 east. And  
24       we would like to update the Commission on their  
25       efforts in that regard.

26                   We have a short video tape and a short

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1 statement from them.

2 CHAIRPERSON BENNETT: Let me do  
3 something before Mr. Butler comes up. In the  
4 submission that I received, I got eight copies of  
5 one view and nine copies another when there is  
6 supposed to be -- there are certainly not supposed  
7 to be eight or nine copies of the same thing. For  
8 instance under study I got nine copies of 9BD2,  
9 eight copies of 9BD3A, eight copies of 9CD2, four  
10 copies of 9C3DA, and I am not certain whether I just  
11 had a defective booklet or what but there is a  
12 problem.

13 MR. STRIEGEL: Could you go through that  
14 one more time.

15 CHAIRPERSON BENNETT: We'll fix that.

16 All right, and next normally when we  
17 recognize witnesses as experts we usually receive  
18 their curriculum vitae into the record, do you have  
19 that?

20 MS. GIARDANO: Would you like to that at  
21 this time?

22 CHAIRPERSON BENNETT: Let's do that so  
23 we don't have to do that when he comes up.

24 MS. GIARDANO: Mr. Dobbins is --

25 CHAIRPERSON BENNETT: In a way it is a  
26 pro forma thing because we know Mr. Dobbins has

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1 served this city well as its director of planning.  
2 But we need that in the record.

3 MR. BUCKLEY: Madame chair my name is  
4 Davis Buckley and I am architect and planner and  
5 what I would like to suggest is that if it agreeable  
6 to the Commission we may just proceed on this basis.

7 We did 13 studies as a result of  
8 comments made by the Commission at the last hearing.  
9 And of those 13 studies there are several that we  
10 felt represented --

11 (Whereupon, the proceedings went off the  
12 record briefly to adjust the PA system.)

13 MR. BUCKLEY: We did 13 studies and we  
14 modified the design based on the conclusion of many  
15 of those studies. What I would like to suggest is  
16 that there are certain studies that we think are  
17 important to the overall design that substantially  
18 modified and the like. And what I would like to is  
19 maybe identify which studies those are. And as an  
20 aid in terms of kind of a score card if you will, I  
21 have made some Xerox copies of the table of contents  
22 that we just might hand out if that is all right.

23 CHAIRPERSON BENNETT: The table of  
24 contents that we have in here?

25 MR. BUCKLEY: Yes. I am just assuming  
26 that if you don't have it might be good to have it

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1 as a reference point.

2 What I would like to do is speak to  
3 study number 4, which is the vistas with the  
4 building on the left side, east side of the  
5 courtyard set back farther to the east, study number  
6 5 which is the vistas on the east side, it is sited  
7 on the Anacostia waterfront, study number 6 and  
8 study number 8.

9 Study number 4 came about as a result of  
10 a question by Commissioner Kress in which she  
11 suggested that by cutting back the east side of the  
12 building, that as you enter into the courtyard, you  
13 may in fact be able to get a more immediate view on  
14 to the river. And what we did on this study was we  
15 did series of wire frames that show that if you do  
16 that the vista onto the waterfront dramatically  
17 opens up. So if you were to take a look at those  
18 studies, which would be the second page, you will  
19 see the existing condition and then the next page  
20 shows how the building curves around, upstream if  
21 you will and opens up that vista.

22 And then the study beyond that is  
23 basically the revised scheme superimposed over the  
24 previous scheme. So you can see how that has opened  
25 up.

26 Study number 5 deals with the vistas

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1 along the east side of the Anacostia waterfront.  
2 And I believe that this is a question put to us by  
3 Commissioner Franklin. What I would like to show is  
4 just a point of reference if I may. Al, could you  
5 help me with this?

6 In order for us to kind of visualize  
7 where this vista is, what we have done is flattened  
8 out the waterfront, essentially from the Navy Yard  
9 over to a portion of Buzzard Point. And what you  
10 will see is if Tom could move his hand over to the  
11 plan view of the development site proper, you can  
12 see the height of our proposed development in  
13 relationship to the proposed build out up to M  
14 Street. And Tom you might just want to point down  
15 where that is with the Capitol Street beyond. Now  
16 this study represents as does the study in the book,  
17 all of the documentation we were able to get from  
18 both the Navy Yard's most recent master plan which  
19 will be released in October. They were kind enough  
20 to give us quite a bit of information about what  
21 their proposed plans are.

22 CHAIRPERSON BENNETT: Mr. Buckley, hold  
23 on just a minute, I noticed some of our citizens  
24 kind of squirreled around here and take a peek. If  
25 you all could either stand at an angle where others  
26 can while we can see and they don't have to scoot up

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1 underneath.

2 MR. BUCKLEY: I appreciate that because  
3 I was trying to read it backwards.

4 What this represents is basically  
5 flattening out the entire water front from Buzzard  
6 Point to the left and then coming across to South  
7 Capitol Street, Capital Gateway, Southeast Federal  
8 Center and the Navy Yard. And this is actually  
9 suggested by Al Dobbins as a kind of reference point  
10 to help articulate the height, bulk, and mass along  
11 the waterfront if we were to lay this in two  
12 dimensional plan. The studies themselves if we can  
13 look at those for a minute.

14 CHAIRPERSON BENNETT: We are at number  
15 5.

16 MR. BUCKLEY: We are at number 5.

17 I might add this is not an easy study.

18 There are little arrows within the  
19 Anacostia river as we move up the river toward the  
20 site and then starting with study 5 through 8 there  
21 are views down the river. And there are some  
22 interesting, very interesting design issues here.  
23 For instance under study -- we had two studies here.

24 CHAIRPERSON BENNETT: Well you have them  
25 -- let me ask you this. For each of your arrows you  
26 have view of B2 and a view of B3A. Is that right?

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1                   MR. BUCKLEY: We have two views B2 and  
2                   B3A. And the difference between those two is that  
3                   B2 is the building that was shown previously,  
4                   height, bulk, and mass. And B3A is the revised  
5                   proposal which was suggested by Commissioner Kress  
6                   to simply lower the height of the building. And we  
7                   will talk a little bit about that.

8                   The buildings around it also represent  
9                   the potential build out for the east side based upon  
10                  the proposed overlay, zoning overlay by the Office  
11                  of Planning. So as you go up the river you take a  
12                  look at the studies, for instance on 2V2, it shows  
13                  the importance and prominence of South Capitol  
14                  Street. That's what the view is there.

15                 That building that has the large shelf  
16                 will be the build out on the Stewart site. Then our  
17                 building beyond that, the B2 study, the previous  
18                 proposal and B3A, which is what we now have. So  
19                 that this represents the height, bulk, and mass if  
20                 you will, as you approach the building from the  
21                 Anacostia going upstream towards the bridge and its  
22                 relationship to the height, bulk, and mass of those  
23                 buildings and it could be built out on adjacent  
24                 sites.

25                 And then looking at study 5, B2 and B3  
26                 you are approaching the bridge at that point.

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1                   And then the rest of the studies up  
2           through 8 represent views looking downstream toward  
3           the bridge from an area approximately opposite the  
4           Navy Yard.

5                   Study number 6 was requested by  
6           Commissioner Parsons if I recall. That was to take  
7           a photograph of the existing Half Street access  
8           looking in on the site approximately -- slightly  
9           above Potomac Avenue looking across the site to see  
10          what kind of views you would be able have from that  
11          vista. And I think that what this shows is that  
12          while you do have a view of a bridge, there is the  
13          possibility of having a view of the river water as  
14          well, which I quite -- the study was able to  
15          address.

16                  As you move further up Half Street,  
17          however, that view of the disappears although you do  
18          have a vista of the bridge and certainly light in  
19          here.

20                  Study number 8 is an interesting study.  
21          I think that this study in combination with the  
22          study which we were asked to do by Commissioner  
23          Kress are the two most interesting studies. This  
24          study was suggested to us by Commissioner Parsons.  
25          Which was if you look beyond and you had a clear  
26          vista through the site, what would you see, and if

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1     you were to open that up. So I think that if you  
2     were to take a look at the first page, what we did  
3     is we did an extension, straight on extension down  
4     the axis, say the right side of Half Street if we  
5     were to go directly through the site.

6             Then the next study shows basically the  
7     previous proposal which was a kind of celebratory  
8     gateway into the site. And then if we were to move  
9     that portion of the building back, move it back to  
10    the north, what you would see. And then if we were  
11    to move it slightly forward, here is the next series  
12    of studies. And then if we were to just open it to  
13    the sky and have no gateway and to look straight  
14    through the courtyard. One shows the building and  
15    the other one shows the view of the building set  
16    back.

17            The last study has the building slightly  
18    forward to give it a little sense of termination and  
19    helps your view move around if you will to the left.  
20    I do not want to diminish the importance of that  
21    view for the future. I do not know what the status  
22    of that bridge is and I think that Commissioner  
23    Parson had addressed that, what if the bridge were  
24    to be replaced and moved further down. I think that  
25    is a valid point, but I think more importantly the  
26    issue is that if you were take and move the building

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1 back, would you in fact have an interesting view?  
2 Notwithstanding that you do have the bridge there,  
3 that doesn't mean that having the bridge diminishes  
4 the interests of that view. And in many ways it  
5 starts to create some interest to as well because  
6 the activity can occur over it or how that bridge  
7 can be articulated in the future. It's interesting  
8 to note many of the bridges of other cities are  
9 actually festooned with lights and they become a  
10 really delightful kind of embellishment going across  
11 the river. So we don't necessarily discount the  
12 importance of that.

13 So when we start to take a look at what  
14 I consider significant issues in terms of the urban  
15 design there are a couple of interesting points.  
16 Commissioner Kress suggested that we look at  
17 lowering the height of the building by eliminating  
18 the hotel. We did this. And what I would like to  
19 do is take the two massing models and bring them up  
20 as we did previously. This one which you have seen  
21 previously. And then the massing model which we now  
22 have. The quantitative differences between these  
23 two is that in response to Commissioner Parsons  
24 suggestion, we have moved the tower element further  
25 back to the north. And what that does is open up  
26 the vista to the water. What is also interesting

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1 about that is that alignment is direct access,  
2 access on Half Street. So that when you actually  
3 place in the model and you look down Half Street,  
4 you actually get a wonderful vista down through to  
5 the waters edge. Now you do have a portion of the  
6 bridge at that point but I think that in many ways  
7 that enhances the views and gives some interest to  
8 it.

9 Now what we did do we also lowered by  
10 two stories the primary portion of the building. We  
11 now have two separate buildings as you can see, so  
12 that the height of that building is now 109 feet  
13 versus what we previously which is 130 feet. The  
14 building immediately adjacent to the bridge rise to  
15 a height of 109 feet. However, there is a portion  
16 of the building that goes up to 130 feet, but that  
17 is fact stepped back from Potomac Avenue, and is  
18 also immediately adjacent to the bridge. And we  
19 feel from an urban design viewpoint if you were to  
20 have the height perhaps that's where it should  
21 occur.

22 There are some other interesting  
23 statistics here. One is that we have moved the site  
24 coverage from approximately 63 percent down to 58  
25 percent while at the same time we have lowered the  
26 height of the building to 109. But important to

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1       that is the set back from Potomac Avenue toward the  
2       top, less stories.

3               We also looked at further articulation  
4       to the building from a very simplistic way to give  
5       it some variety and delight along the waterway. And  
6       I have to credit to Arthur Moore Coppler for  
7       suggesting that because he feels that I have a  
8       shallow terraces coming down toward the water that  
9       you can really do some very interesting things to  
10      them in announcing the building. So I took his lead  
11      and I thought it was a very good suggestion.

12             So I think if you were to take these two  
13      massing models if you will, as you know these do not  
14      articulate architecture or show windows or doors or  
15      the like but basically set up the massing of the  
16      development itself.

17             The revised -- actually it is not a  
18      revised, it is a modification on the previous scheme  
19      as a result of suggestions made by this Commission.  
20      And while I would like to take credit for those  
21      recommendations, I really can't but I think what it  
22      has done is that it has really helped us craft a  
23      building which I think is in many ways very, very  
24      elegant. Certainly we have to work on the  
25      architecture. But I think the height, bulk, and  
26      mass and the vista and the like, starts to work very

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1 well.

2 So I think we have made some progress  
3 here and I would certainly welcome any further  
4 comments. I tried to abbreviate this presentation  
5 Madame Chairman without going through all of the  
6 studies because the other studies are self-  
7 explanatory but I think these are the most  
8 significant in terms of how they modified and  
9 changed and helped us crack the planned unit  
10 development.

11 Do you have any comments?

12 CHAIRPERSON BENNETT: Colleagues would  
13 you like to question the architect at this time or  
14 would you like to go through all of the other  
15 witnesses first?

16 You want to wait for the other  
17 witnesses.

18 MR. BUCKLEY: Madame Chairman, one final  
19 point if I may, the revised scheme meets the  
20 targeted square footage of 1,530,000 square feet  
21 which we had been advised and know to the space  
22 requirements of the potential client. The revised  
23 scheme does meet that need.

24 CHAIRPERSON BENNETT: Thank you. We are  
25 going to move right on through.

26 MS. GIARDANO: Okay.

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1 MR.DOBINS: I think I can speak loud  
2 enough so that everyone can hear me. If you can't I  
3 am sure you will let me know.

4 CHAIRPERSON BENNETT: Good evening.

5 MR. DOBBINS: Good evening.

6 I have been called an expert tonight. I  
7 have been told that an ex is a has been and spurt is  
8 a drip under pressure.

9 (Laughter.)

10 MR. DOBBINS: I used to be the former  
11 director of planning here in D.C. and I feel a  
12 little bit under pressure on this side of the table.

13 Good evening Madame Chair and members of  
14 the Zoning Commission and staff. For the record my  
15 name is Al Dobbins. I am an urban planning  
16 consultant and I am located in the District of  
17 Columbia. Tonight I am representing the applicant  
18 in this case and I will speak to the proposed PUDs  
19 consistency with the District's elements of the  
20 comprehensive plan.

21 I have given you a fairly detailed  
22 outline of my testimony that leads to a conclusion  
23 that I hope the Commission will support. However in  
24 the interest of time I will summarize as much as  
25 possible.

26 Given the tenure of some of the members

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1 of the Commission, you probably know more about the  
2 comprehensive plan than I do. However, with all due  
3 respect, I would like to emphasize three important  
4 points that are found in the general and land use  
5 elements of the plan.

6 First, the comprehensive plan is a long  
7 range plan. I think the Office of Planning is as  
8 much as a 20 year plan. And as such it is a general  
9 policy document. And a guide intended to establish  
10 broad policies and goals while affording flexibility  
11 for future implementation.

12 Second the elements of the plan should  
13 be interpreted in concert with each other and should  
14 be interpreted broadly.

15 And third, while the land use element is  
16 given greater weight, then the other elements, it  
17 does not identify or fix every use, height, and  
18 density on every block in the District.

19 Now with these points in mind and the  
20 following testimony, I believe that it is reasonable  
21 to conclude that proposed PUD is consistent with the  
22 long range mixed use goals of the land use element  
23 of the comprehensive plan. And is consistent with  
24 the other comprehensive plan elements that support  
25 the ten major themes.

26 Now I would like to explain why I have

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1       come to this conclusion. Since some of the  
2       comprehensive plan text information in my written  
3       submission was included in previous submissions, I  
4       will keep my remarks brief in those areas. However,  
5       there are important points to made in some detail  
6       when considering the proposals consistency with the  
7       land use map and the land use policy map. The  
8       proposed PUD supports six major themes of the  
9       comprehensive plan. It increases employment  
10      opportunities. It promotes the city's natural  
11      amenities. It improves the physical characteristics  
12      of the District. It preserves and insures community  
13      input. And it provides for diversity and overall  
14      social responsibility. And I would also like to  
15      point out that the latter theme, providing for  
16      diversity and overall social responsibility is one  
17      that the Commission probably doesn't hear very often  
18      when considering PUD applications.

19               The PUD is supported by provisions in  
20      the economic development, transportation, urban  
21      design, human services, and land use elements of the  
22      comprehensive plan. It brings new development to  
23      the South Capitol Street/Buzzard Point area. It  
24      provides developer funded shuttle service to the  
25      Navy Yard Metrorail station. It promotes water  
26      oriented public spaces. It encourages a partnership

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1 between the community and the private sector working  
2 together to provide essential services to the youth  
3 of the city. And it encourages a diversity of land  
4 uses in the Central Employment Area outside of  
5 downtown.

6 The proposed PUD is supported by  
7 provisions in the Ward 2 and Ward 6 elements of the  
8 comprehensive plan. In Ward 2 it will provide jobs  
9 in the Central Employment Area and the Buzzard  
10 Point/Near Southeast Development Opportunity Area.  
11 It will provide a water recreation center on the  
12 Anacostia's west bank. It will help meet the human  
13 needs of the city's youth. It will provide for  
14 public access and use of the Anacostia waterfront.  
15 And it will serve as a major driver for other  
16 development in the area.

17 In the Ward 6 plan it will enhance  
18 Metrorail ridership and provide commercial, open  
19 space, education, and recreation development that  
20 offers the best hope of jump starting residential  
21 development. Thus achieving the mixture of use  
22 specified in the land use elements of the plan.

23 Now turning to the land use map and the  
24 land use policies map. The proposed PUD is not  
25 inconsistent with the mixed use goals of the  
26 generalized land use map which designates the site

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1 and a large surrounding area, high density  
2 residential, medium high density commercial, and  
3 PTE, commonly referred to as industrial. It is not  
4 inconsistent for four reasons. It will facilitate  
5 the future development of residential uses, which  
6 will not be feasible until the existing area is  
7 cleaned up and until people come to the area. And  
8 at least some portion of the current industrial uses  
9 are phased out.

10 It will facilitate the development of an  
11 office building and retail uses which will draw  
12 substantial numbers of employees and visitors into  
13 the area during the day, on weekends, and in the  
14 evening.

15 It will begin to phase out two highly  
16 visible industrial operations on key waterfront  
17 sites.

18 And finally it will facilitate open  
19 space and education uses which will draw youth and  
20 visitors to the area, again during the day, on  
21 weekends, and in the evening. And I think we all  
22 hope that many of these visitors will be D.C.  
23 residents who will consider becoming future  
24 residents of the area.

25 Now with respect to the generalized land  
26 use policies map, the proposed PUD is consistent

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1 with its designation of a Central Employment Area  
2 and a development opportunity area. The proposed  
3 PUD will develop office and retail space for 5,700  
4 jobs in the core area. Thus achieving one of the  
5 primary objectives of the Central Employment Area.

6 The proposed PUD will jumpstart new  
7 mixed use growth and development in the Buzzard  
8 Point/Near Southeast area. Thus meeting one of the  
9 most important objectives of that metropolitan  
10 development opportunity area. It will do by  
11 providing a shuttle which will create a sense of  
12 security along Half Street and at the Metrorail  
13 station. And provide ridership for an underutilized  
14 Metrorail system. It will provide transportation  
15 improvements which will improve traffic flow for  
16 future development.

17 The proposed PUD will provide a maritime  
18 center and will play a key role in cleaning up the  
19 environment and promoting the Anacostia river.

20 Finally the proposed PUD will create  
21 waterfront recreational uses that will become very  
22 significant public amenities which can serve as a  
23 beacon for future residential uses.

24 Now having said all of this I hope you  
25 will not disagree that the proposed PUD is not  
26 inconsistent with the general policy guidance and

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1 goals of the comprehensive plan text and maps. In  
2 addition the proposed PUD will strengthen the  
3 Capital Gateway Group's initiative to upgrade the  
4 areas. It will reinforce the partnerships between  
5 Florida Rock Properties, the ECC, and the community  
6 at large. And finally it represents an ultimate  
7 balancing of competing urban design and mixed use  
8 objectives for the area.

9 Given the area's current conditions, the  
10 urban design objectives of maximizing views and  
11 access to the waterfront and the human services  
12 objectives of improving the well being of the youth  
13 should take precedence over immediate mixed use  
14 goals which can and will be satisfied in the future  
15 on the waterfront and on alternative interior sites.

16 Thank you very much and I will be happy  
17 to answer any questions you might have.

18 CHAIRPERSON BENNETT: Thank you Mr.  
19 Dobbins. Was there another --

20 MS. GIARDANO: We have two ECC  
21 representatives that we would like to speak and they  
22 have a short video presentation. While they are  
23 setting that up I just want to introduce their  
24 remarks. The applicant since the previous Zoning  
25 Commission hearing has learned a lot more about the  
26 ECC Maritime Center proposal, which is modelled

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1 after the Living Classroom project in the Inner  
2 Harbor in Baltimore. The ECC has also undertaken  
3 since the last hearing a community outreach effort  
4 to acquaint the community with that proposal. And  
5 that effort included numerous tours of the facility  
6 in the Inner Harbor. And you will see some footage  
7 of that proposal on the tape.

8 We have at this point, we have really  
9 come to fully appreciate the benefits of the  
10 Maritime Center for the area. These include  
11 providing an active recreational use on the  
12 waterfront and drawing visitors to the area. Our  
13 new proposal fully embraces this concept for the  
14 entirety of square 664. With that I will turn it  
15 over to Bob Nixon and Mark Davis.

16 MR. NIXON: Mark was out of the room  
17 when people were being sworn.

18 MS. GIARDANO: Can we swear him in?

19 CHAIRPERSON BENNETT: Is there anyone  
20 else who plans to testify who was not sworn in?  
21 Anyone else who plans to testify who was not sworn  
22 in? Okay, let's do them all together.

23 (Whereupon, the witnesses were sworn.)

24 MR. NIXON: Thank you Madame Chairwoman  
25 and Commissioners. I appreciate the opportunity to  
26 be back here this evening. With me is Mark Davis

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1       who is the chief operating officer of the Earth  
2       Conservation Corps.  What we would like to do, I  
3       would just like to say a few remarks, show the  
4       videotape --

5                   CHAIRPERSON BENNETT:  Could you identify  
6       yourself for the record?

7                   I am Bob Nixon.  I am the executive  
8       director of the Earth Conservation Corps which began  
9       work in 1992 working with young residents of Ward 6,  
10      7, and 8 restoring the Anacostia river and teaching  
11      life skills.  I have been the executive director  
12      since 1998 (sic).  What I would like to say is this  
13      maritime center, the use of 664, I think is just a  
14      fantastic opportunity to bring what is one of the  
15      most effective and recognized educational tools that  
16      has been used in various places around the world to  
17      our city, our nations capital, for all members, for  
18      all the residents and to provide a job training  
19      facility through boat restoration and GED programs  
20      and such, to all the citizens, but also particularly  
21      those residents that live close by and who we work  
22      with on a daily basis.

23                  I would like you to see the videotape  
24      and then I would like to address some issues of why  
25      we think we can make this facility that everyone  
26      will be proud of.  And Mark will have some comments

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1       also.

2                       (Whereupon, a video presentation was  
3       made.)

4                       NARRATOR: Two rivers run through here.  
5                       The Potomac, a river that runs past  
6                       great presidents and green parks. A  
7                       river brought back by a cleanup  
8                       campaign, brought back for fishing, and  
9                       boating.  
10                      And the Anacostia, the other river. A  
11                      river of industrial plants, persistent  
12                      pollution and little public access. Now  
13                      a cleanup campaign is bringing back this  
14                      river also. A cleanup by young men and  
15                      women who live in public housing nearby.  
16                      Hard workers who can't find jobs here in  
17                      their own home town, in the nation's  
18                      capital.

19                      VOICE ON VIDEO: Finally, tonight, the  
20                      bald eagle, the national symbol of  
21                      America. In Washington, D.C. you can  
22                      find images of eagles everywhere, but  
23                      you couldn't find any live eagles there  
24                      for the past 60 years. Now a project  
25                      run by the Earth Conservation Corps is  
26                      bringing eagles back to the District of

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1 Columbia and using young people from the  
2 city's poorest neighborhood to help.  
3 Over the last six weeks four three month  
4 old eaglets have been living in a  
5 homemade refuge on D.C.'s troubled  
6 southeast side.  
7 The birds are being fed, nurtured, and  
8 prepared for flight by 12 high school  
9 dropouts, who are also being prepared  
10 for the future.  
11 VOICE ON VIDEO: We give these young men  
12 and women an opportunity to do really  
13 important habitat restoration work,  
14 solve an environmental problem, and  
15 learn job skills.  
16 VOICE ON VIDEO: It's what we had to do.  
17 Manual, build stuff, you know, work with  
18 my hands.  
19 MR. NIXON: I would like to thank all of  
20 the committee members who have been up to the Living  
21 Classroom and participated in this educational  
22 effort. I am going to turn it over to Mark for a  
23 moment before I talk about our capacity to make this  
24 happen.  
25 MR. DAVIS: Thank you very much. It is  
26 an honor to be here this evening. Before I begin I

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1 am messenger for Dorthea Farrel of Barry Farm  
2 Resident Council and also Jackie Masaday, they sent  
3 letters in this evening because they couldn't attend  
4 themselves and ask me to deliver them to you.

5 My name is Mark davis and I am the chief  
6 operating officer of the Earth Conservation Corps.  
7 And I would like to briefly talk to you about the  
8 benefits of this type of program from an educational  
9 perspective and what it means to the youth of today.  
10 I have been involved in education for the last 20  
11 years of my life, primarily in alternative classroom  
12 settings, as well as teaching in traditional  
13 academic settings, both here in the U.S. and  
14 overseas. In each of these settings I have felt  
15 that the hands-on or the experiential learning  
16 component is what really had the most impact on the  
17 students I worked with, whether they came from  
18 disadvantaged backgrounds, whether they had learning  
19 disabilities, or whether they were exceptionally  
20 bright and on their way to Harvard at age 15. They  
21 all learn very successfully in this type of  
22 environment.

23 Just recently in the publication  
24 *Soundings*, which is a nationwide boating newspaper,  
25 there was a very large article dedicated to hands on  
26 learning, marine education program. It profiled

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1 approximately 25 programs within our country, the  
2 Living Classroom is one, and demonstrates their  
3 success through a variety of statistics, what  
4 happens. In one case it found that with a group of  
5 female students that their grade point average  
6 actually went up 1/3 and that all of them graduated  
7 from high school for those students that involved in  
8 the program compared to a test group that was not  
9 involved in the program.

10 I could recite statistic upon statistic  
11 for you about how this program would be successful  
12 from the methodology and the point of view for the  
13 children. But I would like to address most crisply  
14 for you this evening is exactly what ECC can do,  
15 when they can do it, and how they can do it, at this  
16 particular site over the course of the next three,  
17 five, and ten years. One of the things that we can  
18 start right away with this particular program is a  
19 marine science program, a day program, which could  
20 be use by students from kindergarten through 12th  
21 grade. For this particular situation, until we  
22 acquire a large enough research boat take our own  
23 people out we could partner with the Chesapeake Bay  
24 Foundation. And they could up the river and dock at  
25 our facility to take school groups out.

26 A second boat we would like to pursue

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1 and plan to pursue is an 80 foot sail ship which is  
2 one of the primary reasons why it needs to be below  
3 the Frederick Douglass Bridge because the mast is so  
4 high they wouldn't let us get in and out of there  
5 two times a day. You have to give them 24 hours  
6 notice and they don't like to have that bridge open  
7 too much. But this particular boat, as with the 30  
8 foot research vessel would hold approximately 25  
9 students each. And we could do two trips a day with  
10 these students. Therefore, we would be serving  
11 approximately 100 students a day in this program.  
12 Factoring in bad weather, holidays, the 180 day a  
13 year school calendar that we have, estimate that we  
14 could take children out on the water at a minimum of  
15 130 days per year. That translates to 13,000 K  
16 through 12 students participating in just this one  
17 program all year long.

18 Of course there will be other  
19 opportunities for other groups of individuals, young  
20 adults, middle aged adults, and senior citizens to  
21 have the types of experience, perhaps during evening  
22 programs or weekend programs. That particular  
23 program we could start in March or April, as soon as  
24 we had enough space available to us with the phase  
25 out procedure of the current aggregate operation  
26 there to be able to dock vessels and bring school

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1 children in safely to get on the boat and off the  
2 boat.

3 A second component of this program would  
4 be the sailing center. This particular program  
5 would also be a day program, for teens, adults, and  
6 seniors. We estimate that with this type of program  
7 that we would reach upwards of 200 participants per  
8 year, or per season really, it could be quite  
9 seasonal in this regard. And all we need here again  
10 is some dock area, we could start this program full  
11 time by late spring, early summer of next year. One  
12 of the concepts that I had, that I think is very  
13 exciting, is I would like to see sailing teams  
14 representing each of the different neighborhoods  
15 that we work in, Arthur Kapper, Potomac Gardens, all  
16 around us. I would like to see different sailing  
17 teams so we could have our own regatta there on the  
18 Anacostia each week. And it teaches a lot of  
19 discipline and a lot leadership which is very, very  
20 powerful in the formulation of young adult self-  
21 esteem and their ability to focus and get things  
22 done in their lives.

23 A third component would be boat  
24 building. This would be about the third year, where  
25 we have the opportunity to have enough space  
26 available to us with the phase out of the operation

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1 to build a facility to begin boat building  
2 operation. It would allow us a three year time  
3 frame in which we would be able to have boats  
4 donated to us that we could work on. And this  
5 particular program would serve primarily young  
6 adults, 18 to 25 years old. It is an 11 month  
7 program. This would be a full core program, \$1,700  
8 of work that they would have to put in with us.  
9 Upon completion of this program they would receive a  
10 \$4,700 education award to go on to higher education.  
11 And while they were with us they would also receive  
12 a stipend, a living stipend to help them with their  
13 expenses.

14 During this process they would have life  
15 skills, and leadership training, and GED training if  
16 they didn't already have their GED, standard first  
17 aid, CPR training, boat license courses, job  
18 training readiness.

19 This particular plan we can implement  
20 very easily within the next three to five years.  
21 And starting by next spring you would easily see a  
22 tremendous amount of activity in that area. The  
23 long range plan of the large maritime education  
24 center that employ encompass upwards of 40,000  
25 square feet with laboratories and classroom is what  
26 the would be accomplished during the second five

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1 years of this particular plan. Once we are able to  
2 have the volume of students coming through our  
3 program every year and for the community to see the  
4 tremendous outcome that will happen with their  
5 children young adults and seniors alike by  
6 participating in this type of program, then it could  
7 have a tremendous impact on the community at large  
8 and be part of the whole revitalization of this area  
9 based on the Florida Rock PUD.

10 MR. NIXON: Thank you, Mark.

11 I would like to -- just a few more  
12 points. Just to clarify the phasing aspect. We  
13 have received a commitment in writing from Florida  
14 Rock that they will donate half of the site to ECC  
15 on approval of the PUD and then ten years out from  
16 that we would receive the other half. So it --  
17 phase 1 would be ten years and then we would -- we  
18 are talking a ten year window.

19 CHAIRPERSON BENNETT: Half of which  
20 site?

21 MR. NIXON: Six-six-four. A little over  
22 one acre. For all the programs that Mark described  
23 we would wait until the second -- and once we built  
24 that to capacity then we move into the second stage.  
25 We would design the whole program with the concept  
26 of a maritime educational campus in mind, looking at

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1 the whole site, phased in.

2 On the other side of things, we also are  
3 soon to be a Taniff training center site, the Earth  
4 Conservation Corps. And we will -- a lot of these  
5 life skill programs will also shorter term duration  
6 for residents who are anxious to move into the  
7 workforce. And one of the beauties of this whole  
8 partnership I think is the ability for the Earth  
9 Conservation Corps which by just faith is hard  
10 against the site in the pumphouse, we can provide  
11 job training for community residents and have the  
12 lead time to get them ready to compete in the market  
13 place for the jobs at this construction site will  
14 provide. So I think it is a very -- the youth of  
15 the whole region and the local residents both  
16 benefit. I think it really a dynamic opportunity.

17 Thank you.

18 CHAIRPERSON BENNETT: Does that conclude  
19 your --

20 (Pause.)

21 MR. NIXON: I would also just like to  
22 talk about why I think we can do this. First of  
23 all, we are talking about Florida Rock is donating  
24 the land. I want to be clear to everyone, which  
25 means they are giving us the land and also the  
26 privilege of having to out and approximately \$5

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1 million. So thank you very much.

2 (Laughter.)

3 MR. NIXON: I think -- I began the Earth  
4 Conservation Corps in 1992 with a \$50,000 dollar  
5 grant from Coors Pure Water 2000. The young men and  
6 women you saw from Valley Green were the first nine  
7 Corps members. We were really working out of my car  
8 and since that time we have raised over \$9.5 million  
9 to work -- in cash -- to put youth to work in the  
10 environment. And our overhead costs have been 16  
11 percent. And we are about action and getting things  
12 done. We are sort of very low overhead and we have  
13 a great staff the makes it happen. And the work is  
14 done by Corps who have a tremendous amount to be  
15 proud of, some of them are here this evening. And I  
16 am very proud of them.

17 And our success continues. Last week we  
18 were informed by Americorps that we are getting a  
19 \$1,400,000 grant and will have approximately 130  
20 full time Americorps positions. We have a  
21 tremendous sort of bank of partners. Mrs. Robert  
22 Kennedy is on our Board of Directors and is the  
23 chairman of the fundraising committee for this  
24 project. Many of you know that she is a dedicated  
25 sailor as well as resident, long time resident of  
26 Washington, and loves this project and is extremely

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1 committed to making this happen.

2 And we have done all this really with  
3 not a -- finally the city gave us the pumphouse  
4 three years ago -- but without a real home base.  
5 And the Florida Rock commitment of this land gives  
6 us truly a incredibly solid launching pad to jump  
7 off of from what we have already accomplished. So I  
8 am convinced that we can make this happen. We have  
9 the experts at the Living Classroom Foundation and  
10 really around the country who do this type of thing  
11 and are really committed to see it happen in  
12 Washington.

13 Thank you.

14 CHAIRPERSON BENNETT: Thank you, Mr.  
15 Nixon.

16 Does the wrap up your --

17 MS. GIARDANO: That wraps it up. And if  
18 there are any questions from the Commission. Let me  
19 also note that Mr. Anderson, president of Florida  
20 Rock is here again this evening, if there are any  
21 questions.

22 CHAIRPERSON BENNETT: Mr. Dobbins, I am  
23 going to start with you. And then I am going to let  
24 my colleagues move on with their own questions  
25 because I see a number of orange tabs in Mr. Parsons  
26 book here and have a feeling that he is going look

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1 at them one by one.

2 Let me ask you this, when the

3 generalized land use plan says high density

4 residential and we don't -- and we submit a PUD that

5 doesn't have any what would you suggest that we use

6 as a rationale? You gave us some, one of says that

7 you know, what the plan calls for won't work here,

8 there needs to be some kind of flexibility and

9 inauguration of uses in a particular area that will

10 an atmosphere where the use is called for in the

11 comprehensive to work. There was a time when we had

12 difficulty with the comprehensive plan and we wanted

13 to make sure we weren't inconsistent in the Fort

14 Totten case. And one of the things that we cited

15 was the comprehensive plan's silence on how do you

16 preserve needed industrial uses and so on. And so

17 we used that as a rationale for doing what we

18 thought was the best thing in that particular case,

19 without being scathingly inconsistent. In this

20 instance there is nothing that I know of, and you

21 probably are much more conversant of the

22 comprehensive plan than I, that calls for

23 transitional flexibility when an area's total

24 character is about to be changes, or is called for

25 to be changed. The kind of flexibility that will

26 allow for a smoother transition for that change to

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1 take place. How do we do what is on its face,  
2 grossly inconsistent and yet get the job done, I  
3 mean help with the transitional change that I think  
4 it calls for and we all want to see?

5 MR. DOBBINS: Well, I think clearly it  
6 is a judgement call, first of all. I do believe,  
7 one of the reasons why I began my presentation by  
8 calling attention to the fact that the plan is a 20  
9 year plan and its policies are broad and it really  
10 provides a broad guidance to the city is the fact  
11 that the plan is intended to afford some flexibility  
12 in making decisions given the particular conditions  
13 that the city finds itself in and the Zoning  
14 Commission finds itself in.

15 CHAIRPERSON BENNETT: And we have used  
16 all of those.

17 MR. DOBBINS: I am sure you have.

18 CHAIRPERSON BENNETT: We have used every  
19 single one.

20 MR. DOBBINS: So for those reasons I  
21 don't think that it is necessary for there to be  
22 explicit flexibility.

23 CHAIRPERSON BENNETT: Let me go to the  
24 next step. Let's assume that we are satisfied with  
25 some sort of rationale that we can up with, which we  
26 have a few things. Where do you start? This is the

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1 question that posed to Ms. Ambrose. Do you let this  
2 PUD go forward as proposed and you start with the  
3 next PUD? Do you tell the next people that wait a  
4 minute we already got somebody with we got to change  
5 to the environment, so you can't come back to us  
6 with the environment is not quite ready yet, or is  
7 the next PUD, or the one after that?

8 MR. DOBBINS: Well, as a --

9 CHAIRPERSON BENNETT: Do you see our  
10 dilemma?

11 MR. DOBBINS: I see your dilemma. And  
12 it is not just your dilemma and it is not just your  
13 dilemma. It is the city's dilemma and it is the  
14 Office of Planning's dilemma. Because the truth be  
15 said there is no plan for that area. And I think  
16 that if you had an explicit plan you could make the  
17 decisions that you need to making much more  
18 confidently. I mean there are ideas and notions and  
19 visions, but there is no formally adopted plan for  
20 the area.

21 I think that with this PUD and with the  
22 PUDs or proposals that might come in the future, it  
23 is incumbent upon the city to develop a more  
24 explicit plan for that area that would give you  
25 better guidance. But until that happens, as the  
26 councilwoman said, and as others have said, you are

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1 really faced with making a decision on a project by  
2 project basis.

3 I would also add in response to your  
4 first question that really deep in my heart, I truly  
5 believe that this project goes a long way for  
6 actually bringing the high density residential that  
7 we all want to see in that area. And that in sense  
8 it is consistent with the comprehensive plan. I  
9 mean the general provisions of the plan state  
10 specifically that the land use element does not  
11 necessarily have to apply to each and every parcel  
12 in the District. That is explicitly stated.

13 And I think that by approving this PUD  
14 what you are really doing is hastening the  
15 development of residential in that area by providing  
16 an environment for residential development to  
17 flourish.

18 CHAIRPERSON BENNETT: All right. Thank  
19 you very much.

20 MS. GIARDANO: Can I just make  
21 additional comments. Mixed use zoning, and it  
22 doesn't just say high density residential, it also  
23 says commercial, has been interpreted to mean it  
24 doesn't have to be a mix of uses on every site. And  
25 even the OP overlay proposal for the CR zoning  
26 allows for some site to be commercial and some sites

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1 to be residential. It is not like the DD where  
2 there is a requirement of uses on every site. So I  
3 think we are consistent if the OP plan is consistent  
4 with the comprehensive plan mixed use  
5 interpretation.

6 CHAIRPERSON BENNETT: Yes, I have used  
7 those arguments, I am telling you I know the  
8 arguments. We used them in the West End and where  
9 else did we use those arguments, Mr. Parsons?

10 MR. PARSONS: To this degree, never.

11 CHAIRPERSON BENNETT: Well, okay, we  
12 have use the arguments, perhaps not to this degree,  
13 but I know for sure we have used them. And we  
14 understand that we need to look at the plan in  
15 totality. We understand that we can permit whole  
16 commercial or total any one use in a mixed use zone,  
17 on a particular lot provided the character of the  
18 entire home is preserved and as envisioned in the  
19 comprehensive plan, all of that stuff. We have said  
20 that. We have done that before. This is a little  
21 different. What I had asked the questions was to  
22 see if you could give us any help on that.

23 MR. DOBBINS: I hope I have.

24 CHAIRPERSON BENNETT: Has yet to be  
25 seen.

26 Mr. Franklin.

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1                   MR. FRANKLIN: I think Mr. Dobbin does  
2     provide counsel, in all deference to the chair and  
3     who I respect, I don't have a dilemma. I mean the  
4     comprehensive plan is comprehensive. And if it were  
5     to guide us parcel by parcel we wouldn't have to  
6     sitting around, there would be no need for a zoning  
7     commission. We are supposed to take as I understand  
8     it the general thrust of these comprehensive plans  
9     and apply as best we can to the facts as we see them  
10    parcel by parcel in the case of a PUD situation. So  
11    I am not at all perhaps in contrast to my colleague  
12    at the far end, I am not concerned at all. I think  
13    that we might have a PUD here that starts off with  
14    commercial we might have another one, and another  
15    one after that until it becomes apparent what the  
16    character of the area is becoming. And that is what  
17    we are supposed to be doing. We are supposed to be  
18    absorbing the facts as best we can in relationship  
19    to individual sites and as you said earlier making a  
20    judgement call that is as best as we can make it not  
21    inconsistent with -- and incidentally it doesn't  
22    say, "consistent with", it says, "not inconsistent  
23    with." Maybe only lawyers regard that as --

24                   CHAIRPERSON BENNETT: We have used that  
25    one too.

26                   (Laughter.)

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1 MR. FRANKLIN: And that is standard  
2 language in the standard zoning enabling acts  
3 throughout the country because the it was recognized  
4 we could not slavishly adhering to plans that may  
5 really have as you stated perfectly correctly, it is  
6 stated as visions rather than plans. So I am not  
7 concerned at all about that. And I thank you for  
8 your illumination.

9 CHAIRPERSON BENNETT: Do you have any  
10 other questions of them?

11 MR. FRANKLIN: I just wanted to ask mr.  
12 Buckley, we are now looking at a project that is in  
13 two building instead of one?

14 MR. BUCKLEY: Correct.

15 MR. FRANKLIN: And is that something  
16 that is consistent with what you understand the DOT  
17 requirements to be? Are they concerned about having  
18 the minimum square feet in one structure or do they  
19 not care?

20 MR. BUCKLEY: We have been advised that  
21 they would accept the two building scheme. So it is  
22 not inconsistent with what their needs are.

23 MR. FRANKLIN: This may be a question  
24 that is more apt for Mr. Anderson, but it seems to  
25 me that if you do not get the DOT award, is it your  
26 feeling that having reconfigured the building into

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1 two separate buildings of roughly a half million  
2 square feet, would make it easier to market to other  
3 tenants?

4 MR. BUCKLEY: Okay can I just -- the two  
5 buildings represent 1,530,000 square feet.

6 MR. FRANKLIN: Total?

7 MR. BUCKLEY: Total.

8 MR. FRANKLIN: And each is about a half  
9 million plus.

10 MR. BUCKLEY: Three quarters.

11 MR. FRANKLIN: Three quarters, okay.

12 MR. BUCKLEY: Mr. Haase do you want to  
13 comment on this?

14 MR. HAASE: I do think that if the DOT  
15 does not come down there, that the large size is  
16 very attractive to GSA because if you look at the  
17 availability of space in the District of Columbia  
18 right now, we find that there is very little large  
19 space available.

20 MR. FRANKLIN: Do you see a private  
21 tenant being attracted to this site?

22 MR. HAASE: Not at this time.

23 MR. FRANKLIN: So if it is not DOT, it  
24 will have to be some other federal agency.

25 MR. HAASE: Yes. Or several agencies.

26 MR. FRANKLIN: And how would that be

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1 something that GSA would arrange? Are there other  
2 prospective --

3 MR. HAASE: Yes. They have an advanced  
4 acquisition program that is trying to develop a pool  
5 of large space for leases that are coming due. This  
6 is an opportune time, members of the Commission  
7 because there are so many leases that are starting  
8 to roll over and buildings are getting aged in the  
9 District of Columbia and they are looking for some  
10 new space, large space.

11 MR. PROST: I think there is one other  
12 issue with regard to timing. My name is James  
13 Prost. There is one other issue with regards to  
14 timing and that is the reason the tax bill that was  
15 passed and the advantages that also creates in the  
16 District in terms the enterprise zone, and this  
17 particular site is in the enterprise zone section  
18 that would be subject to a tax credit for  
19 employment, so this particular site is advantaged  
20 from a private sector perspective in the sense that  
21 there is a \$3,000 per employee annual tax credit for  
22 District residents in this particular site. It is  
23 the largest available site in the District that is  
24 under the 20 percent and above poverty factor within  
25 the enterprise zone.

26 So I think it does create another

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1 marketing advantage that people don't yet realize  
2 and are realizing very quickly right now.

3 MR. FRANKLIN: That is \$3,000 per  
4 employee --

5 MR. PROST: Per year.

6 MR. FRANKLIN: Per year.

7 MR. PROST: For five years.

8 CHAIRPERSON BENNETT: For D.C. --

9 MR. PROST: For D.C. residents only.  
10 Correct.

11 MR. FRANKLIN: Which goes on without  
12 limitation, is there a time limit?

13 MR. PROST: For five years.

14 MR. FRANKLIN: That's all I have.

15 CHAIRPERSON BENNETT: All right. Mr.  
16 Parsons.

17 MR. PARSONS: Mr. Dobbins, the Capital  
18 Gateway as it is known, goes up to M Street behind  
19 this project. What would you suggest it's future be  
20 in the way of zoning?

21 MR. DOBBINS: In the way of zoning?

22 MR. PARSONS: Mixed use or commercial?

23 MR. DOBBINS: Certainly mixed use yes.  
24 I would support mixed use. I think we first of all  
25 mixed use generally means commercial and  
26 residential. Although in this case I think mixed

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1 use also means open space and institutional as it  
2 relates to what ECC is proposing. But as far as the  
3 Gateway is concerned I would see high density,  
4 predominately commercial development immediately  
5 around the Metrorail station as an anchor if you  
6 will. I would also see this project as an anchor  
7 bordering the Anacostia river, high density in  
8 nature as we are proposing. And then I would see  
9 residential, a mix of residential and commercial,  
10 sort of filling in between these two anchors with  
11 bonuses being offered to the commercial developers  
12 for providing the requisite residential with the  
13 shuttle service that we have proposed shuttling  
14 along that street increasing the viability of that  
15 street for retailing activity.

16 MR. PARSONS: How would you as a zoning  
17 commissioner if you will or from our side of the  
18 bench here, urge residential in an area where we, if  
19 we approve this PUD and approve commercial at this  
20 end, had talked about and approved commercial at the  
21 far end, how could we withstand pressure for people  
22 saying, just as you are telling us, the area isn't  
23 ripe for this, I have got an opportunity for the  
24 department of whatever who has got an RFP out and I  
25 am ready to go and if you care about this city, you  
26 will approve this? I guess I see with the approval

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1 of this PUD at this end as commercial, that there is  
2 no hope for any mixed use from here to the Metro  
3 stop. I just cannot believe that we can sit here  
4 and with people coming forward and saying, "I have  
5 seen the light and I can build residential for you."  
6 Maybe I have been sitting here too long, but I have  
7 heard argument after argument so I have heard your  
8 point and I guess you have heard my point.

9 I guess the biggest concern is there are  
10 two tracks that are potential development areas on  
11 either side of the South Capitol Street bridge.  
12 This is one of them. Many of us hope we would  
13 destination and festival retail and all of the kinds  
14 of things are contained in the unapproved plan. So  
15 here we are taking one of those sites and saying we  
16 are not ready yet. How would you deal with the  
17 property to the south of South Capitol Street?

18 If we are performing a planning  
19 commission function here tonight whether we like it  
20 or are authorized to do so or not

21 MR. DOBBINS: First of all I would  
22 disagree that we are talking about a development  
23 here that will not bring life and activity and  
24 vitality to the waterfront area.

25 MR. PARSONS: Well, help me with that

26 MR. DOBBINS: You have used the term

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1 festival retail for example. There is in my opinion  
2 considerable retail within the context of the  
3 proposed PUD, retail that has been referred to by  
4 Mr. Prost and others as destination retail. So I  
5 think that we certainly have the opportunity to  
6 create a festive retail environment and that the  
7 square footage that is being talked about and the  
8 kind of marketing that is being proposed for those  
9 retail properties are consistent with the objectives  
10 that you have described.

11 The other part of that is programming as  
12 you know. The District really doesn't have a good  
13 reputation in programming its public spaces. But I  
14 hear from the developer and I also hear from the  
15 movers and shakers in the District of Columbia that  
16 is going to change as well. That we are going to do  
17 a better job of making use of our assets. And I  
18 quite frankly believe that is going happen because  
19 it absolutely has to happen.

20 So I would not agree that this project  
21 is totally devoid of what we are trying to achieve  
22 in terms of mix use and vitality on the waterfront.  
23 There is more than one way of having a livable  
24 downtown. I think we have all -- or a livable  
25 community. I think we all have consigned it as  
26 residential but it is not just residential.

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1 Livability is just living, it is liveliness as well.  
2 So I would just offer that perspective as well.

3 Now, your second question and your most  
4 important question had to do with how I would  
5 envision development south of where?

6 MR. PARSONS: Downstream of the bridge.

7 MR. DOBBINS: Downstream of the bridge.  
8 Well, I still think as has already been said that  
9 mixed use is the appropriate objective for the  
10 entire area. I still believe, as I have said and  
11 others have said that it will be a project by  
12 project decision. I also still believe that if  
13 there were a project to come in the very near future  
14 that was commercial in nature, that was commercial  
15 in nature, that would be a dilemma because I still  
16 don't believe that residential can happen in there  
17 until this project has had a chance to see its end.  
18 I think we are talking about a two year window as  
19 far as DOT is concerned. PUDs are normally approved  
20 on a two year cycle. I think you have a real  
21 opportunity to hear, to see what is going to happen  
22 at the end of two years. And you can make the  
23 adjustments that you need to make at the end of  
24 those two years. And even with that in this two  
25 year period I am sure that with the attention that  
26 this PUD has focused on that area and with other

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1 attention that has been focused on that area that we  
2 will see a lot more study done in that area so that  
3 you will be more ably guided to making you decisions  
4 in that area.

5 MR. PARSONS: Thank you.

6 MR. FRANKLIN: Madame chair I believe  
7 Mr. Dobbins point about time is very cogent because  
8 we are not sitting on a PUD application. We are not  
9 here necessarily what for all time will go on this  
10 site. It may very well be possible that after two  
11 years we will have to revisit the matter.

12 MR. PARSONS: We will have made a  
13 decision that for some reason, and I haven't come to  
14 it yet, commercial is mixed use. That's the  
15 decision before us.

16 MR. FRANKLIN: We are talking about  
17 office, retail, and institutional, if you want to  
18 call it that, at the same time.

19 MR. DOBBINS: The PUD is more than what  
20 occurs on the Florida Rock property. The PUD needs  
21 to be viewed in its entirety. It is both the  
22 Florida Rock property and square 644E. Now nowhere  
23 on the comprehensive plan is there institutional.  
24 It says residential, commercial, and PTE, so are you  
25 suggesting that the ECC proposal does not create a  
26 mixture of uses on that site or create the intent

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1 and objective of the comprehensive plan. I don't  
2 think you are and I certainly wouldn't.

3 MR. PARSONS: I guess I might take  
4 exception to that. I mean last time we met we had a  
5 hotel on this site. Residential is a stretch, but  
6 it was a hotel. It is gone, in favor of this other  
7 objective tonight. So not only have we lost that  
8 mixed use aspect of the project, we are into a whole  
9 new debate here, discussion that whether this meets  
10 the goals of the plan.

11 MR. DOBBINS: Yes.

12 MR. PARSONS: So that is very new  
13 information tonight. Let me shift to Mr. Buckley.

14 MR. BUCKLEY: Could I make one comment  
15 on that?

16 MR. PARSONS: I am changing subjects  
17 completely.

18 MR. BUCKLEY: Go ahead.

19 MR. PARSONS: I have trouble with your  
20 study 11. I won't spend too much time on this  
21 because it is nitty-gritty and we want to get on  
22 with it. As I understand the diagram, it deals with  
23 bulkheads and property line. That property line is  
24 set back from the bulkhead line. Now I had hoped on  
25 this diagram that you would have, you let the Corps  
26 of Engineers cross a bulkhead line. My suspicion is

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1 it is your property line.

2 MR. BUCKLEY: No, actually the Corps of  
3 Engineers --

4 MR. STRIEGEL: The bulkhead line  
5 identified on here is the Army Corps of Engineers  
6 bulkhead line.

7 MR. BUCKLEY: That is the Corps of  
8 Engineers Bulkhead line.

9 MR. PARSONS: On this diagram I am  
10 looking at there is nothing labeled "bulkhead line."

11 MR. STRIEGEL: It is labeled bulkhead.

12 MR. BUCKLEY: It says, "bulkhead."

13 MR. PARSONS: Correct. That is the  
14 physical bulkhead that is in the water today.

15 MR. STRIEGEL: The way the Army Corps of  
16 Engineers defines is there is some portions of  
17 existing bulkhead in place, other portions that have  
18 been eroded and they require that you build a new  
19 bulkhead within 18 inches of the face of the  
20 existing bulkhead. And that is where we have shown  
21 this bulkhead line within 18 inches of the existing  
22 portions of the bulkhead. So we haven't created a  
23 new line. It is not the property line. The way the  
24 Army Corps of engineers defines --

25 CHAIRPERSON BENNETT: Excuse me, let me  
26 interrupt you, could you please identify yourself

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1 for the record.

2 MR. STRIEGEL: Sure, my name is Tom  
3 Striegel and I work with Davis Buckley Architects.

4 CHAIRPERSON BENNETT: Thank you.

5 MR. STRIEGEL: The way the Army Corps of  
6 Engineers actually defines the property line has to  
7 do with where the water is sitting that day. By  
8 their interpretation if the water went up ten feet,  
9 they don't go by the designated meets and bounds  
10 description of the property line. They would  
11 designate the property line as where the water  
12 actually is. So in terms of where to position a  
13 bulkhead, their requirement is that it is within 18  
14 inches of an existing bulkhead.

15 MR. PARSONS: Who owns the property  
16 between, on your diagram, the property line and the  
17 bulkhead? Is it possible it is the United States?

18 MR. BUCKLEY: I can't answer that right  
19 now but we could get an answer for you.

20 MR. PARSONS: That's what I was hoping  
21 we would get --

22 MR. BUCKLEY: I can --

23 MR. PARSONS: I think it is critical as  
24 to where we are measuring your building from.

25 MR. STRIEGEL: The Army Corps has said  
26 that their jurisdiction ends at the bulkhead. Once

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1 a bulkhead is in place whatever happens behind it is  
2 out their jurisdiction. I don't know if it is  
3 someone other than the Army Corps.

4 MR. PARSONS: Okay. Let's try to get a  
5 diagram that shows the property line, the bulkhead  
6 line, the bulkhead, and see if we can determine who  
7 owns between the bulkhead and the bulkhead line.

8 CHAIRPERSON BENNETT: Okay, give me that  
9 again. We need a diagram that shows the property  
10 line --

11 MR. PARSONS: That is on this one.

12 CHAIRPERSON BENNETT: Yes.

13 MR. PARSONS: The bulkhead, which is on  
14 this one.

15 CHAIRPERSON BENNETT: Okay.

16 MR. PARSONS: And we are looking for  
17 something the Corps of Engineers calls the bulkhead  
18 line, which is a demarcated line that they drew in  
19 1899. And doesn't necessarily conform to what is  
20 out there on the ground.

21 CHAIRPERSON BENNETT: Is that what you  
22 want on the diagram, those three? You named  
23 something else.

24 MR. PARSONS: Pardon me.

25 CHAIRPERSON BENNETT: I thought you  
26 named a fourth one.

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1                   MR. PARSONS: I didn't mean to I am  
2                   sorry. The fourth issue then is who owns the  
3                   property between the bulkhead line and the property  
4                   line. I think they are going to be the same, at  
5                   least that is my experience. And then who owns the  
6                   property then that is shown to be developed here.

7                   MR. BUCKLEY: We can certainly provide  
8                   that.

9                   MR. PARSONS: And then we would presume  
10                  that your building is measured from the property  
11                  line in these diagrams, not the bulkhead line.

12                  MR. STRIEGEL: The diagram shows that  
13                  the set back, minimum set back of 50 feet at any  
14                  portion is measured from the bulkhead line.

15                  MR. PARSONS: Bulkhead or bulkhead line.

16                  MR. STRIEGEL: From the bulkhead.

17                  MR. PARSONS: That is what I am asking.

18                  MR. STRIEGEL: Because the Corps is  
19                  permitting that we build the bulkhead within 18  
20                  inches of the existing bulkhead which was built  
21                  sometime after 1894 and have already permitted. If  
22                  you look at this diagram where you see the large  
23                  pavilion in front of the east building, there is a  
24                  bend at that portion. Everything from that area  
25                  south, that 500 feet, the Army Corps has already  
26                  approved and permitted a new bulkhead of 500 feet in

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1       that position.

2                   The issue of bulkhead line never came up  
3       in the design or approval or permitting of that  
4       bulkhead, just the position of the existing  
5       bulkhead.

6                   MR. PARSONS:   The main issue I am  
7       getting to is let's make sure we are measuring your  
8       buildings from the right place and that you own the  
9       land you intend to improve.

10                  I think holding this diagram if we could  
11       go to, the only one I have got handy is this booklet  
12       with four diagrams in it, which maybe obsolete but I  
13       think it will serve us.   In these four diagrams it  
14       is a bit of a different configuration as it comes to  
15       this end of the property.

16                  CHAIRPERSON BENNETT:   Where are you  
17       looking at now.

18                  MR. PARSONS:   I am looking at these four  
19       diagrams here, which are contained in their colorful  
20       booklet of last time.   And there may be some  
21       diagrams that --

22                  MR. STRIEGEL:   That page is also in the  
23       introduction of the big site book.   It is the first  
24       page after the table of contents.

25                  MR. PARSONS:   All right fine.   Now we  
26       have to turn these upside down to better understand

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1       them, but it would appear from this diagram or maybe  
2       it is schematic, I am not sure, that a major fill in  
3       the river is proposed or something at this critical  
4       area. Is that proposed?

5               MR. STRIEGEL: No it is not proposed to  
6       fill in. Since you brought that up at the last  
7       hearing we did reach the lines, you know, that we  
8       talked about property line, looked at the  
9       configuration of the existing shoreline and have  
10      accurately reflected that in the variation 3A.

11             MR. PARSONS: So the proposal is here.  
12      The boardwalk out to the pumphouse is as it is  
13      today?

14             MR. STRIEGEL: Correct.

15             MR. PARSONS: As it is shown here?

16             MR. STRIEGEL: Correct.

17             MR. PARSONS: You are setting back from  
18      First Street and that would shorten the building on  
19      that end I guess. It needs to get much closer to  
20      First Street.

21             MR. STRIEGEL: From that shoreline, we  
22      were looking at the portion of the shoreline that  
23      turns where the bend in the catwalk to the pumphouse  
24      is and set off 50 feet from the waterfront there as  
25      well.

26             MR. PARSONS: Now moving down to your

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1 quasipromenade at the center of the complex. That  
2 is open water now as I recall underneath those  
3 stairs that are shown. Do you have permit from the  
4 Corps of Engineers or any indication from them that  
5 they would allow you to fill that area.

6 MR. STRIEGEL: They have permitted a  
7 bulkhead straight across from the portion that we  
8 are talking about, from the large pavilion all the  
9 way down to the pier of the bridge.

10 MR. PARSONS: Is that open water at the  
11 moment?

12 MR. STRIEGEL: There is --

13 MR. PARSONS: It seems to be on your  
14 existing topography diagram that is else where in  
15 this study.

16 MR. STRIEGEL: There are portions of  
17 eroded waterfront. And basically the Army Corps of  
18 Engineers says that as long as we stay within 18  
19 inches of the remaining portions of bulkhead, that  
20 was permissible. So there is some to either side of  
21 the eroded areas.

22 MR. PARSONS: I am little confused. I  
23 am almost done here, those orange tabs don't let  
24 them scare you.

25 CHAIRPERSON BENNETT: That's why I left  
26 you to last.

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1 (Laughter.)

2 MR. PARSONS: I am trying to find an  
3 exhibit.

4 CHAIRPERSON BENNETT: While you are  
5 looking for that, you were saying that the Army  
6 Corps of Engineers already permitted a bulkhead that  
7 would go from the large pavilion of the eastern most  
8 building straight across the site?

9 MR. STRIEGEL: Straight southwest, do  
10 you see where it ends at the pier of the bridge. A  
11 straight line, 500 feet run. They have already  
12 approved and permitted that as well as the District  
13 of Columbia has done the same.

14 MR. PARSONS: Okay. It would seem  
15 helpful then if we could have a copy of the Corps  
16 of Engineers permit or whatever evidence you have  
17 got that says that.

18 CHAIRPERSON BENNETT: In lieu of the  
19 diagrams you are asking?

20 MR. PARSONS: In addition to.

21 CHAIRPERSON BENNETT: In addition to.  
22 You still want to see the bulkhead line drawn in  
23 1899.

24 MR. PARSONS: It is my experience that  
25 they would not allow filling in the water even if  
26 there was a remnant of the bulkhead there.

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1 CHAIRPERSON BENNETT: So you want a  
2 communication from the Army Corps of Engineers?

3 MR. PARSONS: Yes.

4 What I suspect you would find is that  
5 they would allow you to deck over that water. That  
6 was done at Washington Harbor, for instance, not to  
7 fill it in with those stairs that you have.

8 That's all I have.

9 CHAIRPERSON BENNETT: Mr. Franklin.

10 MR. FRANKLIN: Mr. Buckley, first of all  
11 let me thank you for the responsiveness you have  
12 shown since the questions of the last hearing. I  
13 have found your studies quite interesting. I am  
14 sure you have profited as well by undertaking them.

15 MR. BUCKLEY: Yes we did.

16 MR. FRANKLIN: The omission of the hotel  
17 is being driven by what?

18 MR. BUCKLEY: At the last Commission  
19 meeting, Commissioner Kress asked us to look at  
20 lowering the height of the building by possibly the  
21 elimination of the hotel, which we did. The hotel  
22 represents approximately, and the discussion at that  
23 time as I recall it was how much of the square  
24 footage is contained, how much square footage is  
25 contained in the hotel. And we said it is  
26 approximately a 1FAR. And that represents

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1 approximately two floors if you will on the  
2 building. So what we did was we lowered the  
3 building from a height of 130 feet down to a height  
4 of 109 feet, which represents two floors. And we  
5 did that by the elimination of the hotel.

6 MR. FRANKLIN: Well, would it be fair to  
7 say in trying to get enough space for DOT meaning  
8 1.5 million, that also played a role in omitting the  
9 hotel?

10 MR. BUCKLEY: Yes. With the hotel the  
11 total amount of square footage on this site was  
12 1,756,000 square feet. And what we did was we  
13 looked at several design issues. One, the moving  
14 back of the, if you will, the building from the  
15 waterfront closest to the bridge. We looked at  
16 curving the eastern most end of the building to the  
17 side. And we looked at lowering the floors of the  
18 building. And also setting the building back if you  
19 will from the property line where we took a look at  
20 the actual alignment of the bulkhead. We had always  
21 had envisioned that it would go straight across.  
22 But we said, "well it there , it may always remain  
23 there." While we would prefer to have a direct  
24 connection to the pumphouse we reflected exactly  
25 what the existing conditions were and we set that  
26 portion of the building back 50 feet from that

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1       portion of the site.

2                       So there are a variety of things. One  
3       is in response to Mr. Parsons' concern about the  
4       vista down Half Street and moving the building back.  
5       Two, Commissioner Kress's request, which we thought  
6       was an excellent suggestion of opening the vista as  
7       you go into the courtyard to really get the view up  
8       river, which we think is the significant view. And  
9       the third thing is to lower the building by as much  
10      as two stories, which we did. Not only did we lower  
11      it two stories on the eastern most building, but we  
12      also opened up that vista through to create two  
13      buildings. And the majority of the visual aspect to  
14      the building closed to the bridge is 109 feet and we  
15      only have that one portion which is the curvilinear  
16      top two floors that are set back in order to meet  
17      the space requirement.

18                     And we moved certain elements out where  
19      we could do it closest to the bridge, which we  
20      thought was a reasonable response. So we did that  
21      within the context of those urban design  
22      suggestions.

23                     MR. FRANKLIN: Where I am leading is  
24      suppose you don't get the DOT award here. And you  
25      have got two buildings of roughly 750,000. What  
26      possibilities would that present for reintroducing

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1 hotel uses to the site. That's really a market  
2 question at this point/

3 MR. FRANKLIN: Yes, I grant you it is a  
4 market question at this point.

5 MR. BUCKLEY: Dick Haase might be able  
6 to answer that.

7 MR. HAASE: Let me -- may I address it  
8 in this way. There are two significant sites in  
9 this city, Washington Harbor and the portal site.  
10 Both of them have been programmed for hotels that  
11 have never come to place because they weren't as Mr.  
12 Buckley said not financially feasible in the  
13 appraisal.

14 MR. FRANKLIN: And why in your view were  
15 they not at those sites?

16 MR. HAASE: Well just because of the  
17 people who build hotels and operate hotels thought  
18 that there was not going to be enough of a market in  
19 those particular areas and I defy anybody to take  
20 any exception with either one of those sites which  
21 are infinitely better I would say than this  
22 particular site.

23 MR. FRANKLIN: Not withstanding the Navy  
24 Yard and --

25 MR. HAASE: Not withstanding the Navy  
26 Yard and all that. The Georgetown hotel operates at

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1 an 85 percent efficiency or occupancy. You would  
2 certainly think a block away from the Georgetown  
3 hotel that you could build a hotel and at least  
4 expect something reasonable in the 70 percent and  
5 that site will not be developed. And it had three  
6 different potential developers look at for a hotel  
7 site.

8 MR. PROST: I guess what I would like to  
9 add, I think it really relates to the dynamics of  
10 the particular site.

11 CHAIRPERSON BENNETT: Could you identify  
12 yourself?

13 MR. PROST: I am sorry. Jim Prost.

14 It really relates to the dynamics of the  
15 site. If there is a single building in a relatively  
16 small then the idea of a hotel would premature. If  
17 it was another development in combination with what  
18 happens at the Navy Yard and the Southwest Federal  
19 Center in terms of its developments then there  
20 becomes an opportunity. The marketability of a  
21 hotel is all over, the occupancy rates are up, the  
22 rates are up, so the market opportunities are  
23 getting better. Again it is a response to the  
24 market. Once again there are some competitive  
25 advantages in terms of the new tax law which creates  
26 a minor window for the five year period that the tax

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1 law is in effect because again the hotel employees  
2 would be subject to the tax credits if they were  
3 also District residents. The site is also subject  
4 to the capital gains, zero capital gains tax aspect  
5 of the new tax bill. Although some of the details  
6 of that maybe problematical in terms in trying to  
7 take advantage of it. There may be a technical  
8 correction bill that would clarify some of those  
9 issues.

10 But the site has some advantages not  
11 just from a public sector site but from a private  
12 sector site, particularly when you add the new tax  
13 bill.

14 MR. FRANKLIN: Of course for the capital  
15 gains benefit to be meaningful you have to assume  
16 that there will be a capital gain.

17 MR. PROST: You have to hold it for five  
18 years and there are all kinds of rules.

19 CHAIRPERSON BENNETT: Mr. Parsons.

20 MR. PARSONS: I have another question.  
21 I don't know if Mr. Nixon or Mr. Anderson or all of  
22 you. I wanted to talk a bit about square 664 east.  
23 The last diagram we had had a housing component at  
24 its western edge, a diagrammatic memorial within it.  
25 As I recall Mr. Nixon was going to be -- not Mr.  
26 Nixon but the ECC was going to be accommodated on

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1 the ground floor of that building, or in a separate  
2 building on the site. As I understand it tonight  
3 Mr. Anderson has committed to giving you one half of  
4 the site now and one half of the site ten years from  
5 now as you testified. How then will we know what  
6 this going to look like as opposed to the diagram  
7 which was produced last time which gave us some  
8 sense of the place.

9 MR. NIXON: I am Bob Nixon, executive  
10 director of the ECC. The first stage we are talking  
11 about, the phase 1 half of the lot would be  
12 primarily the water side portion. And that would be  
13 phase 1 where we institute a number of the programs  
14 that Mr. Davis outlined initially. The second phase  
15 will be when we build out in the back portion which  
16 was the diagram I believe you have which shows the  
17 larger classrooms in the back section that would be  
18 after the tenth year, where we would be meeting full  
19 capacity. So the initial sailing programs, boat  
20 restoration, we would enact very quickly. And build  
21 several sites over the next three years, which would  
22 be permanent. I guess to answer you question, we  
23 would look at it as a whole site, a campus  
24 environment and we would be building phase 1 on the  
25 water side section.

26 MR. DAVIS: My name is Mark Davis, the

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1 CEO of the ECC. I believe Commissioner Parsons if  
2 you look at that particular diagram that the  
3 building in the back part of that lot is not a 1FAR  
4 housing platform, but that is the ECC maritime  
5 center building, that is the primary educational  
6 facility that would house our laboratories and  
7 classrooms.

8 MR. PARSONS: Okay then, this site plan.

9 MR. DAVIS: That is still a valid plan  
10 in our mind at this time. We don't have a direct  
11 conception of what the building would look like but  
12 that is still a valid plan.

13 MR. PARSONS: It is hard to identify  
14 this because it has no number on it and some of my  
15 colleagues didn't bring their stuff from last time.  
16 You must hundreds of them out there. Anyway, the  
17 diagram I am speaking of is horizontal and this  
18 says, "site plan: square 664 east."

19 CHAIRPERSON BENNETT: Is that the same  
20 as this.

21 (Pause.)

22 MR. DAVIS: Yes sir. As I mentioned in  
23 the diagrams you held up I was pretty sure that this  
24 was the one that we were initially looking at. And  
25 our concept is on the Water Street side --

26 MR. NIXON: It is on this, several pages

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1 back.

2 (Pause.)

3 MR. PARSONS: Okay so the first diagram  
4 shows the hotel or residential.

5 MR. NIXON: Right.

6 MR. PARSONS: This diagram shows your --  
7 (Pause.)

8 MR. PARSONS: I guess I am -- it is  
9 pretty immature to pin down your site plan. That's  
10 not what I am about tonight, but I think we all know  
11 the terminus of South Capitol Street, with your  
12 presence going to be very important. And Mr.  
13 Buckley had sketched a diagram of some kind of  
14 feature. They are showing a blue, maybe a pool,  
15 some kind of focal point at the terminus of South  
16 Capitol Street. How would we see that achieved  
17 under your plan? Would you give that land to the  
18 city and have them develop such a feature?  
19 Certainly it wouldn't be in your program to erect a  
20 memorial or monument there.

21 MR. BUCKLEY: Perhaps I could take you  
22 through this program a little. In order for us to  
23 understand more clearly what the ECC envisions, what  
24 we are interested in was to take a look at the kind  
25 of urban dynamics of the site in the context of what  
26 I think all those things that we would like to see

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1 and recognizing the importance of not only of the  
2 ECC but also the importance of this vista down South  
3 Capitol Street. And I think this is what you are  
4 referring to. This is a strategically very  
5 important site in terms of the long range vision of  
6 the city. It is in fact the terminus of South  
7 Capitol Street.

8           Without going into the height  
9 differential as you go down South Capitol Street and  
10 the impact of the Douglas Bridge as it swings off up  
11 river, there is no doubt in anybody's mind that this  
12 area is extremely important now in developing the  
13 plan with the ECC, what we did was we looked at  
14 basically two phases of development. The first  
15 phase would be located on this part of the site.  
16 And if you refer to the maritime education center,  
17 you will see it is referred to as a campus plan.  
18 Now this preliminary in nature and of course it  
19 evolve over time as they become more specific with  
20 their facility needs. Now having said that it is A)  
21 that there will be a boat restoration shop building  
22 and railway for the restoration of boats located in  
23 close proximity to the water. We would envision  
24 that that rail facility would be located somewhere  
25 over here. In addition to that that they would have  
26 administrative offices in that area.

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1                   The second phase of their development  
2                   would be the primary maritime education center which  
3                   would be a classroom type facility of about 67,000  
4                   square feet. We would envision that that would be  
5                   located over here.

6                   MR. PARSONS: That would be one story,  
7                   no air rights left over just --

8                   MR. BUCKLEY: No, I don't think it would  
9                   be one story. It might be two.

10                  MR. PARSONS: But not 14 stories.

11                  MR. BUCKLEY: It could be 14, but --

12                  MR. PARSONS: A big difference isn't it?

13                  MR. BUCKLEY: It would be approximately  
14                  3 1/2 stories essentially. The actual storage boat  
15                  facility in fact would be very tall because it would  
16                  have to accommodate sailing vessels in this area so  
17                  that actual facility may be as high as 60 feet if  
18                  you wanted to accommodate the fullest portion of a  
19                  mast, for instance, if you had some kind of a  
20                  skipjack which is a typical Chesapeake Bay type  
21                  boat.

22                  With that in mind, what we have talked  
23                  to the ECC about is the importance of having this  
24                  visual corridor down South Capitol Street, so that  
25                  you may in the future have that area as na open  
26                  area. That doesn't necessarily mean or preclude the

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1 usage of the site through here. But it would  
2 probably preclude the building of buildings in that  
3 area, oftentimes referred to as a no building zone  
4 if you will. What we think is important is the  
5 opportunity to develop a monument or marker here  
6 which could be built in the future to help define  
7 the terminus of South Capitol Street. That in fact  
8 could be part of the overall campus plan of the ECC.  
9 So I think we recognize the value of the vista down  
10 South Capitol Street and perhaps the importance of  
11 keeping that open.

12 But I think that also has to be balanced  
13 with the facility needs of the ECC, which suggests  
14 that you have a portion of development on this side  
15 and the main classroom facility on this side, which  
16 would also give you good access off of Water Street.

17 MR. PARSONS: Thank you, that is  
18 helpful.

19 Mr. Anderson, why is it you are waiting  
20 ten years to make the --

21 MR. ANDERSON: My name is John Anderson,  
22 president of Florida Rock Properties. What we plan  
23 to do is phase our existing industrial or really the  
24 operations on our industrial tenant, they are ready  
25 mix concrete, sand, and gravel, although on the  
26 large PUD site as construction commences, for

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1 example, for the DOT, we hope that they would be  
2 pre-empted from the site, they will transition down.  
3 This site, square is already industrial, it is  
4 already aggregate business usage anyway. What we  
5 have agreed to with Bob Nixon is to essentially  
6 reserve half of that as yet an undefined, undivided  
7 half of that square for continued aggregate  
8 industrial use for a period of roughly ten years.  
9 At the end of that phase that out and deed that over  
10 to the ECC.

11 MR. PARSONS: So you would deed the  
12 title with no rights, air rights development or  
13 anything else, they would be the owners of this  
14 property?

15 MR. ANDERSON: It is our intent to give  
16 them fee simple interest, half now, half in ten  
17 years.

18 MR. PARSONS: In our clumsy process, I  
19 shouldn't identify it as clumsy, cumbersome process,  
20 I didn't mean clumsy at all.

21 CHAIRPERSON BENNETT: Challenging.

22 (Laughter.)

23 MR. PARSONS: Any time Mr. Nixon wanted  
24 to do anything --

25 MR. ANDERSON: You will pardon me if I  
26 agree with both of you.

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1                   MR. PARSONS: His successors would have  
2                   to come back here to modify the PUD is the way this  
3                   is going.

4                   MS. GIARDANO: Maybe I can help with  
5                   that. The idea is that while this is a two stage  
6                   PUD, in the second phase we would be further along  
7                   in our planning for that site. So hopefully we will  
8                   plan with some flexibility so that won't be  
9                   necessary.

10                  MR. PARSONS: I think that we would do  
11                  it together. The point is, for instance, if Mr.  
12                  Anderson was to donate this land to the District of  
13                  Columbia and made it public land rather than private  
14                  property there would be no reason to come back to  
15                  the Zoning Commission any time a change was made.  
16                  It would go through a different review process. But  
17                  this would ride with the PUD in perpetuity.

18                  MS. GIARDANO: Exactly. This would have  
19                  a PUD covenant recorded on it and it would be  
20                  subject to the PUD process.

21                  MR. PARSONS: Thank you.

22                  MR. FRANKLIN: The boat restoration  
23                  business is I guess light industrial is that what  
24                  you would call it.

25                  MR. PARSONS: It's mixed use.

26                  (Laughter.)

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1                   MR. BUCKLEY: Well in many ways it is  
2                   not dissimilar from what you would see on the video  
3                   or perhaps what you would see if you went to say,  
4                   Mystic Seaport or the Gardener School of Boat  
5                   Building in Maine for instance or in Annapolis.

6                   MR. FRANKLIN: It requires machinery and  
7                   there is material and noise and you know the view of  
8                   working and --

9                   MR. DAVIS: It is an educational  
10                  facility. It is almost identical to an industrial  
11                  arts shop in any typical high school.

12                  MR. FRANKLIN: I don't mean to denigrate  
13                  it. I find those fascinating.

14                  Mr. Anderson could you tell us a little  
15                  bit about the financing that is being proposed  
16                  assuming you get the DOT award and then assuming you  
17                  don't. We get PUDs all the time and nothing happens  
18                  and then people come back in two and say they can't  
19                  get financing. And they come back two years later  
20                  and say they still can't get financing. What is  
21                  your financing programming.

22                  MR. ANDERSON: Well those who can't get  
23                  financing must not have a tenant. As you well know  
24                  it would be our expectation here with long term  
25                  credit federal tenant, that certainly serves as a  
26                  basis for your long term permanent financing. So we

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1 are not -- and I hope I am not proven wrong later  
2 about this -- but we are not as concerned about that  
3 phase right now. We are quite interested in the  
4 competitive site selection for this. The financing  
5 for the use we envision and target, I would be  
6 surprised if other applicants say they have trouble  
7 in the financing phase with that.

8 CHAIRPERSON BENNETT: Okay does that  
9 wrap up the question side. Okay. Well thank you  
10 very much. I am going call for a five minute break.  
11 I do have a note here from a Mrs. Ransom, is Mrs.  
12 Ransom still here? All right. We are going to do a  
13 five minute break.

14 (Whereupon, the proceedings in the  
15 above-entitled matter went off the record at 9:29  
16 p.m. and went back on the record at 9:37 p.m.)

17 CHAIRPERSON BENNETT: We are going to  
18 resume at this time and we are going to ask the  
19 parties in the case whether or not they had cross  
20 examination for the applicant's witnesses. To the  
21 refresh you memories, the parties that I have  
22 registered here are only ANC 6B and ANC 2D, is that  
23 correct Ms. Dobbins?

24 MS. DOBBINS: That is correct.

25 CHAIRPERSON BENNETT: Is the  
26 representative from ANC 6B here and do you wish to

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1 cross examine.

2 MR. SIMON: Madame Chairperson yes. We  
3 have a representative, Mr. Waldron is from 6B and  
4 Mr. Westbrook is from 2D and as usual I am  
5 ambidextrous.

6 CHAIRPERSON BENNETT: All right. We are  
7 not sitting down for presentations right now, we are  
8 asking for cross examination.

9 MR. SIMON: Also let me ask now, I  
10 didn't want to interrupt the flow earlier and it has  
11 been a while since I have been at contested  
12 hearings, but do we have copies of the material that  
13 the applicant produced during the course of  
14 tonight's hearing?

15 CHAIRPERSON BENNETT: There is no  
16 question that as parties you are entitled to --

17 MR. SIMON: Also we didn't express any  
18 opposition earlier to the motion to receive the  
19 waiver of the less than 14 days. We didn't object,  
20 but of course, we aren't waiving any rights to  
21 object later on should that become necessary.

22 CHAIRPERSON BENNETT: Can the applicant  
23 make sure that the parties receive everything we  
24 receive.

25 Questions.

26 MR. SIMON: Could we ask Mr. Dobbins to

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1       come up?

2                   CHAIRPERSON BENNETT:   Please state your  
3       name and who you represent.

4                   MR. SIMON:   My name is Gottlieb Simon, I  
5       am executive director for Advisory Neighborhood  
6       Commission 6B and Advisory Neighborhood Commission  
7       2D.           Mr. Dobbins it is good to see you again.  
8       I wanted to follow up on a couple of points that the  
9       chair made earlier on about situation -- also let me  
10      ask if this makes any difference in the microphone.  
11      Apparently not there is a switch that would seem to  
12      suggest that it would increase the volume but I  
13      guess not.

14                  CHAIRPERSON BENNETT:   Mr. Simon when  
15      your microphone is not on that turns the speaker on  
16      at that specific microphone up and down.

17                  MR. SIMON:   I see, thank you very much.

18                  CHAIRPERSON BENNETT:   You are executive  
19      director for 6B and 2D?

20                  MR. SIMON:   Yes ma'am.   And all together  
21      I don't have a full time job so that is no  
22      assurance.

23                         (Laughter.)

24                  CHAIRPERSON BENNETT:   I hear you.

25                  MR. SIMON:   Following up on the Chair's  
26      question from before, would it still achieve in your

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1 view consistency with the comprehensive plan if all  
2 of the area between the water front and M Street,  
3 between South Capitol and the Southeast Federal  
4 Center was all office use, but the employment and  
5 other aspects of the comprehensive plan were  
6 achieved?

7 MR. DOBBINS: Between the water front, M  
8 Street, South Capitol Street, and the Southeast  
9 Federal Center? What if it were all commercial?

10 MR. SIMON: Correct. In other words if  
11 all of the projects were like the project proposed  
12 tonight, but instead of stopping at Potomac Avenue,  
13 it extended all the way up to M Street. And I am  
14 talking basically about more office --

15 MR. DOBBINS: I wouldn't consider that  
16 mixed use.

17 MR. SIMON: No, I didn't say mixed use.  
18 And my question may have been imperfect. What I was  
19 trying to say was in your judgement about achieving  
20 consistency with the comprehensive plan could you  
21 achieve consistency or the lack of inconsistency if  
22 the buildings that were built there provided jobs  
23 and the other benefits that you cited as being part  
24 of the comprehensive plan?

25 MR. DOBBINS: Well I think you can  
26 achieve consistency with some aspects of the

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1 comprehensive plan as I mentioned there are many  
2 elements to the plan. I think you would be hard  
3 pressed to argue that you are not inconsistent with  
4 the land use element if all of that area were in  
5 commercial use.

6 MR. SIMON: So at some point there would  
7 need to be some --

8 MR. DOBBINS: Yes, but at some point  
9 there is a tipping point.

10 MR. SIMON: Let me ask you about the  
11 issue of jobs. You pointed out that by providing  
12 employment on that site it would be achieving one of  
13 the comprehensive plans --

14 MR. DOBBINS: That is correct.

15 MR. SIMON: If this site -- and we have  
16 been talking a great deal tonight about the  
17 department of transportation moving from Southwest  
18 to this site. If then we were talking about removing  
19 jobs from Ward 2 and bringing jobs to Ward 6, would  
20 we still be consistent with the comprehensive plan?

21 MR. DOBBINS: Well the employment  
22 consistency had to do with the fact that Capital  
23 Gateway area and the Buzzard Point area is in the  
24 Buzzard Point/Capital Gateway Development  
25 Opportunity Area. In fact it is called the  
26 Metrorail Development Opportunity Area. And it also

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1 has to do with the fact that the site is within the  
2 Central Employment Area. Now I don't believe that  
3 the current location of DOT is in the Central  
4 Employment Area. I may stand to be corrected the  
5 Office of Planning or someone else but I don't  
6 believe it is.

7 And so the consistency has to do with  
8 the fact that the PUD site is within the Central  
9 Employment Area which is the area that is to have  
10 the most employment in the central core of the city  
11 as defined in the comprehensive plan.

12 MR. SIMON: So let me use your -- your  
13 testimony is that even though we would basically be  
14 shuffling jobs from one side of South Capitol Street  
15 to the other side of South Capitol Street, you would  
16 still --

17 MR. DOBBINS: I think you are more  
18 consistent with the comprehensive plan given that  
19 you are in the CEA on the east side of South Capitol  
20 Street.

21 MR. SIMON: All right. In your view is  
22 there any difference between referring to an area as  
23 being high density and being medium to high density?

24 MR. DOBBINS: Yes there is a difference.  
25 One implies a range from medium to high and the  
26 other is explicitly high.

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1                   MR. SIMON: And would you characterize  
2                   the PUD as it is now being presented as medium to  
3                   high?

4                   MR. DOBBINS: Yes I would.

5                   MR. SIMON: Thank you.

6                   MR. WESTBROOK: I have a question to ask  
7                   Mr. Dobbins about.

8                   CHAIRPERSON BENNETT: Could you identify  
9                   yourself for the record?

10                  MR. WESTBROOK: Yes, I am Richard B.  
11                  Westbrook ANC 2D commissioner. Let me ask the  
12                  question of in your knowledge and background with  
13                  the Office of Planning, was there ever any studies  
14                  undertaken to determine what is happening to our  
15                  industrial areas of this cities, are they being  
16                  pushed out economically or just by citizen protests  
17                  such as around Fort Totten? And what is the future  
18                  of industrial uses in the District of Columbia?

19                  CHAIRPERSON BENNETT: These are the  
20                  questions I have been asking for at least the last  
21                  ten years.

22                  MR. DOBBINS: And probably every month  
23                  of my tenure --

24                  (Laughter.)

25                  MR. DOBBINS: I managed to come up with  
26                  an excuse every time it was asked.

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1 CHAIRPERSON BENNETT: This time you are  
2 under oath, Mr. Dobbins. You were under oath when  
3 you were sitting up here.

4 (Laughter.)

5 MR. DOBBINS: I know of no study that  
6 has been done. I know the Office of Planning has  
7 fully documented the decline of industrial space,  
8 but not the reasons why that decline has taken  
9 place. There is a lot of anecdotal information that  
10 would support and explain why industrial uses have  
11 declined in almost every major city in the country.

12 MR. WESTBROOK: I would also like to  
13 submit for the record a copy of the Central  
14 Employment Area which DOT is in. And as this map  
15 indicates the Central Employment Area when you go  
16 across the Anacostia river and it is still the  
17 Central Employment Area.

18 CHAIRPERSON BENNETT: Well are you  
19 asking a question now, Mr. Westbrook?

20 MR. WESTBROOK: Well, how did that  
21 happen Mr. Dobbins?

22 MR. DOBBINS: It happened by an act of  
23 Council.

24 MR. WESTBROOK: Was that reviewed by  
25 NCPC?

26 MR. DOBBINS: Yes, and by NCPC review.

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1                   MR. WESTBROOK: I would like the record  
2 to note that I had retired before that issue had  
3 come up. Thank you. That's all I have.

4                   MR. WALDRON: Hello, I am Peter Waldron,  
5 can you hear me?

6                   CHAIRPERSON BENNETT: Yes.

7                   MR. WALDRON: I am Peter Waldron,  
8 Commissioner from 6B-01, and I have two questions  
9 for Mr. Dobbins. You said earlier that even though  
10 this plan seems to have no residential component,  
11 you said that the plan will bring high density  
12 residential development that it has lacked. Could  
13 you tell us the basis for that?

14                  MR. DOBBINS: Because I believe it will  
15 create an environment for residential development to  
16 occur. It would bring people to the area. It will  
17 increase the areas sense of security. It will bring  
18 liveliness to the area. It will make the area more  
19 attractive to investment, and by doing so it will  
20 make residential developments much more likely.

21                  MR. WALDRON: And it is just your belief  
22 though, right?

23                  MR. DOBBINS: That is my belief.

24                  MR. WALDRON: And the other statement  
25 you made, it was kind of confusing, hopefully you  
26 can illuminate me. You said mixed use is best when

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1 livability doesn't mean people have to live there.

2 MR. DOBBINS: Okay, yes, I might have  
3 gotten my words mixed up there.

4 CHAIRPERSON BENNETT: He said that there  
5 are many more ways to make an area livable, it is  
6 not just where the location of residential use is,  
7 it is the bringing of liveliness, which can happen  
8 with or without the location of explicit residential  
9 uses. I like.

10 MR. DOBBINS: That's what I said.

11 (Laughter.)

12 MR. WALDRON: Thank you Mr. Dobbins.

13 CHAIRPERSON BENNETT: Anytime, anytime.

14 MR. SIMON: Thank you Peter.

15 CHAIRPERSON BENNETT: Do you have  
16 questions of other witnesses?

17 MR. SIMON: Yes, someone representing  
18 the transportation study.

19 MR. LERNER: My name is Abraham Lerner.

20 MR. SIMON: How do you do Mr. Lerner.  
21 Should I identify myself each time I ask a question?

22 CHAIRPERSON BENNETT: Yes.

23 MR. SIMON: All right, Gottlieb Simon.  
24 Mr. Lerner, your study indicates that South Capitol  
25 and M, and South Capitol and I, operate at congested  
26 levels at the present time.

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1 MR.LERNER: That is correct.

2 MR. SIMON: And that is a level F?

3 MR.LERNER: That is correct.

4 MR. SIMON: And in your field there is

5 no level below F?

6 MR.LERNER: No there is not.

7 MR. SIMON: But does F mean that traffic

8 has come to a complete and total stop?

9 MR.LERNER: F represents a level of --

10 indicates that when we are at light at an

11 intersection the wait is greater than 60 seconds per

12 vehicle.

13 MR. SIMON: So although something is at

14 level F, you can actually get worse even though you

15 don't have a letter to describe that?

16 MR.LERNER: That is correct.

17 MR. SIMON: So in the case of the

18 project that we are talking about tonight, you

19 indicate that it will not change it from being level

20 F?

21 MR.LERNER: With the proposed

22 improvement the intersections are not expected to

23 work at levels which are considerably worse than the

24 existing conditions.

25 MR. SIMON: Am correct in understanding

26 that the project will not improve the traffic in

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1       those locations?

2                   MR.LERNER:   The project, the building of  
3       the proposed building would not improve traffic  
4       conditions at those intersections.

5                   MR. SIMON:   Your study says, and I will  
6       use layman terms and you can correct me if I get it  
7       off or something, but it's already bad, it's going  
8       to stay bad and this won't make it any better.  Is  
9       that a correct summarization?

10                  MR.LERNER:   The study proposed a number  
11       of improvements to make the intersections which are  
12       currently operating at congested levels, urban  
13       congested levels, it will make those intersections  
14       work in a manner which is very similar to the  
15       existing conditions.

16                  MR. SIMON:   You also speak of the  
17       shuttle service, is that correct?

18                  MR.LERNER:   That is correct.

19                  MR. SIMON:   Do you know who will pay for  
20       the shuttle service?

21                  MR.LERNER:   It is our understanding,  
22       being the transportation engineers who are doing the  
23       analysis, it is the understanding that for a number  
24       of years that the shuttle service will be paid for  
25       and provided by the developer.  Once again that is  
26       my understanding from being the transportation

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1 engineer on this project.

2 MR. SIMON: I appreciate that, thank you  
3 very much.

4 MR. WESTBROOK: I have one question.  
5 Was there an analysis --

6 CHAIRPERSON BENNETT: Mr. Westbrook.

7 MR. WESTBROOK: Richard B. Westbrook.  
8 Was there analysis of the accidents or understanding  
9 of the dangerous part of the intersections that  
10 would be added to in terms of traffic flow in this  
11 general area? Was that part of your analysis?

12 MR. LERNER: For phase 1 type of analysis  
13 we generally do not conduct safety studies, that  
14 would come in later in a different phase of the  
15 analysis.

16 MR. WESTBROOK: You are not aware that  
17 the intersection of South Capitol Street and I  
18 Street had the second to the most accidents, second  
19 only to Bladensburg Road and New York Avenue?

20 CHAIRPERSON BENNETT: South Capitol and  
21 I?

22 MR. WESTBROOK: I would like to have him  
23 examine this picture of my car, a year ago, October  
24 4 at that intersection, the results of a gentleman  
25 going 50 miles per hour up South Capitol Street and  
26 ripping off the front end of my car. It is a

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1 dangerous intersection. They cited him, gave him a  
2 ticket.

3 CHAIRPERSON BENNETT: Mr. Westbrook, I  
4 had an accident at that same intersection March 3 of  
5 this year.

6 MR. WESTBROOK: Which way were you  
7 going?

8 CHAIRPERSON BENNETT: I was coming from  
9 Anacostia, getting ready to go up the ramp to enter  
10 the freeway.

11 MR. WESTBROOK: Well this gentleman was  
12 going straight up South Capitol Street. The police  
13 officer was sitting waiting to go up the ramp, saw  
14 the guy through the red light, she said at least 50  
15 miles per hour.

16 CHAIRPERSON BENNETT: Well we got a few  
17 --

18 MR. WESTBROOK: Thank God for no-lock  
19 brakes or I would probably still be in the hospital.

20 CHAIRPERSON BENNETT: Let me interject  
21 here. For all the years that I have been sitting  
22 here, most of the traffic analyses at this stage  
23 anyhow, don't include the number of accidents.  
24 Although we do accept testimony about the relative  
25 safety and the efficiency with which traffic volumes  
26 can actually pass through an intersection.

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1                   MR.LERNER: And let me mention that the  
2 traffic report does make recommendations that some  
3 of the streets in the immediate vicinity of the  
4 site, of curbs being improved, pavement being  
5 improved because the current condition of some of  
6 those streets is below the desirable levels and some  
7 of the recommendations are part of the study which  
8 is an improvement in safety is to repave some of  
9 those streets, improve some of the curbs along the  
10 street and make it work better from the point of  
11 view of capacity and safety.

12                  MR. WESTBROOK: Does your analysis also  
13 take into consideration the speed of the automobiles  
14 on South Capitol Street and the adverse impact on  
15 adjacent land use, existing and proposed.

16                  MR.LERNER: Once again our analysis at  
17 the phase 1 level of detail would not take into  
18 consideration would not take into consideration any  
19 of these safety issues associated with a proposed  
20 development. Those are issues that we typically  
21 deal with at a late stage of the analysis.

22                  MR. WESTBROOK: So you are not familiar  
23 with the longstanding concern that strictly the  
24 speed and the volume of traffic of South Capitol  
25 Street has been a negative aspect to potential  
26 development and also planning a number of decades?

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1                   MR.LERNER: I am not saying I am not  
2 familiar with the concerns about speed along South  
3 Capitol Street, what I am saying is that those type  
4 of considerations, speed and safety issues, are not  
5 the type of things that we bring into the analysis  
6 based on this stage.

7                   CHAIRPERSON BENNETT: Mr. Waldron do you  
8 have questions?

9                   MR. WALDRON: Yes I do.

10                  CHAIRPERSON BENNETT: Let me just know,  
11 we are going to lose a quorum at about 10:30, so as  
12 efficiently as we can, we would like to try to move  
13 through both cross examination and direct testimony.  
14 Thank you.

15                  MR. WALDRON: Peter Waldron. How many  
16 years will this trolley service be paid for by the  
17 developer?

18                  MR.LERNER: As far as what the traffic  
19 study recommended was that shuttle be provided on a  
20 continuous basis and that is perhaps something the  
21 developer could answer better than I can. At this  
22 point our recommendation is that a shuttle be  
23 provided to make the best use of the existing Metro  
24 station. How long the developer will be able to  
25 provide it that is something perhaps that should be  
26 asked of the developer.

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1 MR. WALDRON: Two quick questions then.  
2 What would be its hours, what's your recommendation  
3 for its hours?

4 MR.LERNER: I don't recollect directly.  
5 I think we recommend either 6:00 a.m. to 7:00 p.m.,  
6 if I remember correctly.

7 CHAIRPERSON BENNETT: This will be a  
8 shuttle between the site and the Metro?

9 MR.LERNER: That is correct. A shuttle  
10 that will run pretty much all day connecting the  
11 Metro to the site.

12 MR. WALDRON: A low --

13 MR.LERNER: Right, a low speed shuttle.  
14 (Laughter.)

15 MR. WALDRON: Well I think that is  
16 important.

17 MR.LERNER: The distance between Metro  
18 and the site is approximately 1,700 feet. So you  
19 wouldn't need to run it very fast to provide  
20 frequent service. You could go very slowly and  
21 provide frequent service.

22 MR. WALDRON: So you are not  
23 recommending that it run at night?

24 MR.LERNER: At this point we are  
25 recommending that it run from 6:00 a.m. to 7:00 p.m.

26 MR. WALDRON: Thank you.

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1 MR. SIMON: Could we ask a member from  
2 the team to discuss or explain the financing for the  
3 shuttle? Mr. Lerner indicated that it was his  
4 thought but we would like to know from the team.

5 CHAIRPERSON BENNETT: Sure.

6 MR. ANDERSON: My name is John Anderson  
7 of Florida Rock Properties. We will have that  
8 detail at the next submission, for the second stage.  
9 We don't think -- we think we are ahead of our  
10 headlights with that right now. We will be glad to  
11 give you details when the time is appropriate.  
12 Thank you.

13 MR. SIMON: Thank you.

14 MR. WESTBROOK: I have a question of  
15 another member of the team.

16 CHAIRPERSON BENNETT: Sure.

17 MR. WESTBROOK: It would be Mr. Richard  
18 Haase.

19 CHAIRPERSON BENNETT: Mr. Haase.

20 MR. WESTBROOK: Mr. Haase we have a  
21 letter that was written by you and sent to various  
22 people that were on the -- in this contested case.  
23 I was wondering if you could enlighten us or  
24 elaborate on what is the time frame for the review  
25 of the existing DOT situation. When does their  
26 lease expire? When would this study have to be done

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1 that is usually undertaken by GSA, it is my  
2 understanding to determine whether you would build  
3 new facilities or whether they would go out and  
4 rent, lease additional facilities, or stay where  
5 they are? I you had a lot of experience in that  
6 line of work and I wish you could enlighten us give  
7 us some kind of a time table here.

8 MR. HAASE: I would be happy to. What  
9 is actually happening in this case is that DOT has  
10 initiated what's called an 11b report for the  
11 Congress to look at. What used to be the Department  
12 of Public Works and Transportation and which is now  
13 renamed the Department of Public Works and  
14 Infrastructure has taken up this 11b and has passed  
15 to the full House. It is over on the Senate side as  
16 we speak, now waiting for approval. The people that  
17 I have spoken to anticipate a fall passing of the  
18 bill to come out. And my question to them is will  
19 it have to go to conference at this particular time.  
20 And they said, no, GSA would accept the stricter of  
21 the two houses' recommendations. So if in fact  
22 since has already been passed by the House, it is  
23 over on the Senate side, if it is passed by the  
24 Senate and a fall situation exists, that would be a  
25 goal for GSA.

26 Now the lease on the existing building

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1 at the Department of Transportation, as I understand  
2 it, is in a hold over position. So it is what we  
3 call a short term situation -- not a short term but  
4 we are obviously be there until everything is  
5 constructed or it's approved. But GSA would then  
6 put out their bids upon approval of the Senate and  
7 House side sometime in late fall.

8 MR. WESTBROOK: But then GSA has to do  
9 like a request for proposals?

10 MR. HAASE: Yes, they would go to  
11 competitive bids, yes.

12 MR. WESTBROOK: Are you familiar with  
13 the article that appeared in *The Washington Business*  
14 *Journal* in their -- they do a weekly newspaper --

15 MR. HAASE: Yes I am familiar with it.

16 MR. WESTBROOK: -- April 25 to May 1  
17 where the comment from the representative for the  
18 Charles E. Smith Company, who has the management  
19 aspects of the David Nassif Associates, who are  
20 Boston based, and he said, "We intend to take all  
21 steps necessary to make sure that the Nassif  
22 building is a strong competitor to keep the DOT  
23 from," said Jim George, a Boston attorney who  
24 represents Nassif." So, I am sorry it wasn't  
25 Charles E. Smith, but the reason Charles E. Smith  
26 took the job was because they thought they could

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1 keep DOT in the Nassif building.

2 MR. HAASE: Well all I can say to that  
3 is DOT initiated this 11b proposal. So obviously if  
4 they wanted to stay there or they had any thoughts  
5 of staying there or they had any strong inclination  
6 from the developer that he was going to make it a  
7 building that they really wanted to be in we  
8 wouldn't have initiated this report.

9 MR. WESTBROOK: Well they still have to  
10 have competitive bids.

11 MR. HAASE: Right. Certainly. I don't  
12 think they meet the space requirement either.

13 MR. WESTBROOK: Are you aware that the  
14 Nassif building is in Advisory Neighborhood  
15 Commission 2D?

16 MR. HAASE: I am not but I am very  
17 familiar with the Nassif building.

18 MR. WESTBROOK: And are you  
19 knowledgeable that it is also in my single member  
20 district? So you know where I am coming from.

21 MR. HAASE: The only thing I can say  
22 about that is you are not going to be losing, the  
23 good news and the bad news. That building will be  
24 backfilled by somebody.

25 MR. WESTBROOK: Well, we have another  
26 backfill problem when EPA moves out of the Waterside

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1 Mall.

2 CHAIRPERSON BENNETT: Now we're

3 testifying.

4 MR. WESTBROOK: Okay we are talking

5 about backfill problems and --

6 MR. HAASE: Well the Nassif building is

7 a little different than the Waterside building.

8 MR. WESTBROOK: A lot different.

9 MR. HAASE: A lot different.

10 MR. WALDRON: A few questions. Peter

11 Waldron. Are you engaged in any conversations with

12 anyone at DOT at present?

13 MR. HAASE: I am not but the team is.

14 MR. WALDRON: The team is. And GSA?

15 MR. HAASE: I have with the GSA yes.

16 MR. WALDRON: But the team has or

17 hasn't?

18 MR. HAASE: With GSA?

19 MR. WALDRON: Yes.

20 MR. HAASE: I don't know. I haven't

21 inquired but that is my job, to liaison with GSA.

22 MR. WALDRON: And the 11b report, is

23 that a GSA or DOT initiative?

24 MR. HAASE: DOT initiative.

25 MR. WALDRON: It is DOT initiative,

26 thank you.

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1 CHAIRPERSON BENNETT: All right.

2 MR. SIMON: Just a question or two. The  
3 portal site also happens to be in Mr. Westbrook's --

4 MR. HAASE: If I were him I would be  
5 very happy at this time.

6 MR. SIMON: Well, he will speak for  
7 himself about his pleasure. But I am not quite sure  
8 how to get to this point. You had mentioned the  
9 issue about the hotels on this site. And let me try  
10 to ask it this way. Perhaps I can, as they say,  
11 refresh your memory, had you heard anything about  
12 the SwissAir hotel assigning to build a hotel on  
13 this site.

14 MR. HAASE: As I understand Mr. Fuller  
15 has just commented on that particular item. As I  
16 understand they are in the process.

17 Let me put on my appraiser hat and  
18 answer your question from the hotel standpoint.  
19 Obviously if you are going to build a hotel at this  
20 stage with the government impact that you have down  
21 there, you have to offer a government a tremendous  
22 reduction in dollar amounts. The government rents  
23 for \$69 to \$75 a night where the rack rate, room  
24 rate is typically in the \$120 range. If you ask a  
25 developer to compute his construction figures  
26 against those kind of figures on occupancy, average

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1 daily rate from a discount rate, he would say there  
2 is no way I can make.

3 CHAIRPERSON BENNETT: What is the rack  
4 rate?

5 MR. HAASE: The rack rate is a  
6 theoretical rate that they quote --

7 CHAIRPERSON BENNETT: What is the --

8 MR. HAASE: The average daily rate is  
9 what they actually get. A rack rate might be if you  
10 went to the Marriott and you called and said what is  
11 a one bedroom, they would say \$175. And if you went  
12 over there and said give me your best rate and they  
13 had 30 percent vacancy they would say \$125.

14 CHAIRPERSON BENNETT: Okay what was that  
15 you quoted just now? You were saying government  
16 discount, is that \$69 to \$70 --

17 MR. HAASE: Well, the government  
18 discount rate is somewhere around \$65 to \$75.

19 CHAIRPERSON BENNETT: And what would  
20 normally be going?

21 MR. HAASE: Probably \$125 to \$150. It  
22 would probably cost you right now, 200,000 dollars a  
23 room to build a hotel.

24 MR. SIMON: Just to finish that thought,  
25 I wasn't sure from your remarks before on the portal  
26 site if you were taking into account that the

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1 Fairmont Hotel had been slated to go into that site?

2 MR. HAASE: Yes.

3 MR. SIMON: You were?

4 MR. HAASE: Very familiar, yes.

5 MR. SIMON: And you are familiar with

6 their financial situation?

7 MR. HAASE: Yes but I was making a point

8 that this was probably six, seven years ago when

9 nobody leaped into that particular site, it was

10 ready to go as a hotel.

11 MR. SIMON: Well, but of course, there

12 was the RTC, there were issues having to do with the

13 partnerships.

14 MR. HAASE: Yes, but that is also one of

15 the finer sites, I think, in town, the portal site,

16 as is the Washington Harbor site.

17 MR. WESTBROOK: Are you familiar with

18 the Fairmont was to be a --

19 MR. HAASE: Yes.

20 MR. WESTBROOK: -- four star, five star,

21 whatever, and that the clientele was to be people,

22 you know, lawyers, engineers, visiting --

23 MR. HAASE: Yes.

24 MR. WESTBROOK: -- and government rates

25 were no involved?

26 CHAIRPERSON BENNETT: Let me interrupt.

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1 My colleagues are asking what the relevance of this  
2 is. And I guess what I am hearing is fuller  
3 discussion of about the feasibility of locating a  
4 hotel or some kind of residential use in this area.  
5 But I am sensing that my colleagues have heard what  
6 they need to hear sufficient to give them some  
7 direction about the mixed use nature or the lack of  
8 mixed use nature in this area. And I think they  
9 have probably settled as far as the feasibility of  
10 hotels from what they have heard. And if not they  
11 are looking at the clock with 22 minutes left before  
12 we lose a quorum. So they are asking that we move  
13 on.

14 MR. SIMON: Thank you very much.

15 CHAIRPERSON BENNETT: Do you have  
16 questions of other members of the team.

17 MR. SIMON: Yes we do.

18 CHAIRPERSON BENNETT: We might need to  
19 schedule another night.

20 MR. SIMON: Could we ask Mr. Anderson if  
21 he would come back?

22 Mr. Waldron has some questions.

23 MR. WALDRON: Peter Waldron. Hello Mr.  
24 Anderson. I have three questions. Mr Nixon had  
25 indicated that your company, FRP, was going to  
26 donate the land to ECC and I believe at the last

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1       hearing that there was some indication that you  
2       didn't own the land. Could you clarify that for us?

3               MR. ANDERSON: I had hoped you asked  
4       that question. My name is John Anderson of Florida  
5       Rock Properties. We expect to close a week from  
6       today, we would be glad if you would like to verify  
7       that with the seller, Mr. Moore, but we do expect to  
8       close within a week from today.

9               MR. WALDRON: And is there a  
10       relationship you could then maybe then have the  
11       privilege of raising 5 million dollars, are there  
12       any conditions that they raise the money they would  
13       get the land, I was unsure about that?

14              MR. ANDERSON: That is a specific  
15       pleasure reserved for them.

16              MR. WALDRON: So there are no conditions  
17       between the donation and the raising money?

18              MR. ANDERSON: Let me clarify that if I  
19       might. Our donation of the first half of site 664  
20       east is contingent upon our first and second stage  
21       approval and getting the DOT on that site, on our  
22       PUD site. Otherwise there are no -- we expect and  
23       intend and have committed to give them the first  
24       half of the site, fee simple, no strings attached,  
25       for their use.

26              MR. WALDRON: And then one last

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1 question. I think you said, "It would be our desire  
2 to donate this land." Are there circumstances that  
3 would prevent the Florida Rock from donating this  
4 land, any circumstances, because you said it would  
5 be your desire?

6 MR. ANDERSON: I don't follow that  
7 language. I would be glad to repeat what I just  
8 said in terms of our agreement, which is in writing  
9 and available if you would like to see it. In fact  
10 you should have a copy anyway.

11 MR. SIMON: No, I am sorry we don't.

12 MR. FRANKLIN: I might observe that if  
13 the Commission were to approve this PUD, I would  
14 assume it would be a requirement for the donation,  
15 it would be a legal requirement regarding that  
16 matter, notwithstanding the state of mind that you  
17 might have at the present.

18 MR. SIMON: Thank you.

19 MR. ANDERSON: Like I said, that  
20 donation is contingent upon first and second stage  
21 approval and the attainment of the DOT or some  
22 similar tenant.

23 MR. SIMON: Mr. Anderson -- Gottlieb  
24 Simon -- when PUDs involve donations of housing  
25 assistance and other kinds of things, ordinarily the  
26 applicant will submit to the Commission a

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1 description of amounts and kinds of assistance that  
2 are being provided.

3 MR. ANDERSON: At this stage, at this  
4 level of application?

5 CHAIRPERSON BENNETT: What is the  
6 question? Give us the punchline.

7 MR. SIMON: I hadn't quite finished the  
8 question. The question part was, could you indicate  
9 to us or if you can't when you could indicate what  
10 the total value of contributions and aid and  
11 assistance to community organizations, including but  
12 not limited to the ECC?

13 MR. ANDERSON: I would be prepared for  
14 that at some later time, probably at, very close or  
15 closer to the second stage.

16 MR. SIMON: Closer to the second stage?

17 MR. ANDERSON: This is much too early for  
18 that.

19 MR. SIMON: Thank you again Mr.  
20 Anderson.

21 MR. WESTBROOK: I have a question of Dr.  
22 Fuller, is he here?

23 I am not sure I recall your testimony  
24 but what I would like to have you elaborate on is  
25 the effects of federal government downsizing in the  
26 city of Washington and of course the metropolitan

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1 area, how far have we gone so far? How much more  
2 are we going to see? How much of a backfill problem  
3 are we having or going to have when we fill up these  
4 spaces that are under construction that are owned by  
5 the federal government or international agencies?  
6 That is another clue of what is happening to our  
7 office market, the private owned office market.  
8 Could you elaborate help us out on that?

9 DR. FULLER: Yes. My name is Steve  
10 Fuller. We have lost about 40,000 federal jobs in  
11 four years and 9,000 District government jobs. That  
12 is sort of the bad news. The good news is that for  
13 every month this year through the first seven the  
14 District of Columbia has added private sector jobs  
15 over the year before for the same month. The  
16 private sector is growing in the District and that  
17 has brought about low vacancy rates. The forecast  
18 for the next year is that total employment in the  
19 District will go up for the first time since 1992.

20 One of the elements that is driving that  
21 turnaround is that the federal government is  
22 actually moving jobs back into the District. Still  
23 reducing the workforce but it is bringing jobs back  
24 in, 1,600 jobs this summer or as we speak really  
25 from Rosslyn into the Ronald Reagan Building, that's  
26 AID, nearly 7,000 Naval personnel moving from

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1 Crystal City by the year 2002 to the Navy Yard.

2 The downsizing of several agencies has  
3 created vacant spaces and GSA, the national capital,  
4 has a task force that is looking at leases in the  
5 suburbs for opportunities to bring as they role over  
6 and as they expire. Probably after the year 2000,  
7 but in the next two or three years to bring those  
8 workers back into government owned space. And there  
9 are opportunities to do that as some of the  
10 renovations that are under way are complete. So I  
11 think the outlook for the District is quite  
12 positive. It will not grow fast but there is job  
13 growth across all sectors.

14 And the Navy will, as it relocates these  
15 personnel into the District at the Navy Yard will  
16 create demands for office space and ultimately  
17 within 15 or 20 years for residential and hotel  
18 space in this area. But the first step is to create  
19 investor confidence in this area and that is what  
20 this project does, it gets investors paying  
21 attention to this area as possible opportunities for  
22 future development. And the job market is  
23 supporting that now.

24 MR. WESTBROOK: Is the federal  
25 employment increasing or are you saying it has got  
26 to be a private market?

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1 DR. FULLER: What I'm saying is the  
2 employment will increase at the expense of the  
3 suburbs. So when we look at the total metropolitan  
4 area, the federal government downsizing is projected  
5 to continue at least through 1999. I would guess on  
6 the order of another 15,000 jobs beyond what we have  
7 lost now. But they have historically, starting in  
8 mid 1993, they came largely out of the District.  
9 And because of that they have created opportunities  
10 to backfill publicly owned space, federal space in  
11 the District and that will come at the expense of  
12 the suburbs. So in fact the federal employment base  
13 is expected to start growing again after the year  
14 2002.

15 MR. WESTBROOK: Well don't you think it  
16 could also be moving into owned spaced at the  
17 expense of some leased in D.C. as well?

18 DR. FULLER: It is possible --

19 MR. WESTBROOK: Like EPA.

20 DR. FULLER: -- regardless that the  
21 downsizing has left small spaces, they are not whole  
22 buildings, sitting around. They are not headquarter  
23 buildings. They are smaller spaces. I mean other  
24 than the Ronald Reagan Building, but mainly that is  
25 coming out of leased space.

26 MR. WESTBROOK: And other than EPA.

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1 DR. FULLER: Well, there is more than  
2 EPA going in there. There is going to be some  
3 churning. But these buildings that are being  
4 vacated are old buildings, they are C class  
5 buildings at best. And many of those buildings will  
6 renovated and made available over a period of time  
7 for private sector, other public, or nonprofit use.  
8 So these buildings won't sit empty forever. They  
9 will have to be renovated. The same is going to  
10 happen in Crystal City.

11 MR. FRANKLIN: With all due respect,  
12 Madame Chair, I find the seminar is fascinating but  
13 I don't know where this is heading. What is the  
14 thrust of this question?

15 MR. WESTBROOK: What is the market for  
16 these building?

17 MR. FRANKLIN: Excuse me?

18 MR. WESTBROOK: What is the market for  
19 these proposed buildings?

20 MR. FRANKLIN: Well, I think no one has  
21 the answer to that question Mr. Westbrook.

22 MR. WESTBROOK: Thank you.

23 MR. FRANKLIN: And I have been raising  
24 questions about that too. And we discover if we  
25 approve this whether there is a market or not. And  
26 maybe we will have to revisit in two years whether

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1       this PUD approval, if we give it, should be  
2       extended. But no one is going to your satisfaction  
3       or mine, be able to predict what the market is at  
4       the moment, even Dr. Fuller. His crystal ball is as  
5       good as anybody's.

6                   CHAIRPERSON BENNETT: We're trying to  
7       find another date. We are into the month of  
8       November. Are there questions of others?

9                   MR. SIMON: Yes, we have some questions  
10       for the economic analysis of the Seal, Bowman, Prost  
11       & Associates report.

12                  MR. PROST: Good evening, James Prost.

13                  MR. SIMON: Good to meet you Mr. Prost.  
14       Gottlieb Simon. I am going to try to do this  
15       quickly but I understand these things are  
16       complicated. This is a page from the Prost report,  
17       this one happens to have some of my handwriting on  
18       it, this is the page that shows the residential FAR  
19       section and other sections are similar in terms of  
20       some of the questions I want to ask.

21                  MR. PROST: Okay.

22                  MR. SIMON: Could I stand right there  
23       with you?

24                  MR. PROST: Sure.

25                  MR. SIMON: I don't know if the  
26       Commission wants to follow this or not, but in terms

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1 of being able to understand the financial viability  
2 of some of the issues that are going on, it seemed  
3 important for us to be able to understand the chart  
4 Mr. Prost and we may be asking some dumb questions  
5 because this not our everyday kind of thing.

6 MR. PROST: There are no dumb questions.

7 MR. SIMON: Okay. But while I may not  
8 be an expert on math, a couple things like addition  
9 are kind of my thing. So I couldn't understand why  
10 under hard cost, office retail was zero, residential  
11 hotel was 26880, do you see where I am going?

12 MR. PROST: Yes.

13 MR. SIMON: The subtotal wasn't equal to  
14 the two preceding numbers.

15 MR. PROST: First of all this is just a  
16 pro forma for the residential so there is no  
17 commercial.

18 MR. SIMON: I am clear on that. The  
19 question I have is why wouldn't 28886 add up to  
20 31404? Why wouldn't those be the same two numbers  
21 there? You have a line called "subtotal hard  
22 costs." And since residential hotel is the only  
23 hard cost above it, shouldn't residential hard costs  
24 then, subtotal hard costs be the same number?

25 MR. PROST: I guess they should be. I  
26 am looking at the numbers here and the numbers in

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1 terms of total hard cost which are 31 million  
2 dollars and total soft cost and total land cost do  
3 add up to the 467 so it adds up as far as I am  
4 concerned.

5 MR. SIMON: Those are the numbers.

6 MR. PROST: The totals add up. Thirty-  
7 one is the subtotal of the hard costs, soft costs is  
8 7, land cost is 7, adds up to 46

9 MR. SIMON: That's correct. But the  
10 preceding numbers --

11 MR. PROST: I don't know what the  
12 preceding number is.

13 MR. SIMON: Let me ask you about another  
14 one and this one I did make a larger chart so that  
15 we all look at the same time. Mr. Prost I don't  
16 understand, so please help me why 20 percent of hard  
17 costs and the residential hard costs are \$105, I  
18 don't understand why 20 percent of 105 is 31.28.

19 MR. PROST: I don't know which table  
20 that is cut out of. It's --

21 MR. SIMON: Right here sir, you can see  
22 it right here.

23 MR. PROST: I don't know why it is off  
24 71 cents. We can look at that detail later, yes it  
25 is off 71 cents.

26 MR. SIMON: Sir, you say it is a detail,

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1 but I think when you add up all the details you will  
2 find that the costs that you project for residential  
3 are significantly different than the numbers that  
4 are shown here if you in fact use a \$20 a square  
5 foot rather than a \$30 dollar square foot soft cost  
6 and if you push all the numbers aground. Now I may  
7 be missing something and you may not the opportunity  
8 just standing here to see that. But I have to tell  
9 you that as far as I could tell, I couldn't find how  
10 we could get to those numbers.

11 MR. PROST: Well, I mean, again, I would  
12 be happy to sit down with you and go over the  
13 detail. There are about 30 tables in here, each  
14 table has about 50 numbers so I would be happy to go  
15 over the details. I think the basic conclusion, and  
16 we are not the only one who concluded this, that it  
17 is extremely difficult to in this particular market  
18 to make residential work. And we even used a lower  
19 cost per square foot for residential than we did for  
20 the other developments to give it the benefit of the  
21 doubt. So I don't think there is any basic  
22 conclusion that residential is not financially  
23 feasible. I would be happy to sit down and go over  
24 that detail and any other detail.

25 MR. SIMON: I was once in a situation  
26 like this, a lawyer asked me, would you be surprised

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1 if the residential was only half as expensive as the  
2 numbers here project?

3 MR. PROST: Not to build this type of  
4 construction. We are not talking about stick built.  
5 We are talking about high rise construction and I  
6 would be astounded if it was significantly lower for  
7 non-stick built construction.

8 MR. SIMON: I mean the numbers on the  
9 sheet that you were just looking at. What is this  
10 internal subsidy that is shown on the sheet sir?

11 MR. PROST: It is shown as a deficit of  
12 \$65 a square foot.

13 MR. SIMON: And if that was  
14 significantly different, would that surprise you. I  
15 mean just based upon your own internal figure?

16 MR. PROST: I don't think it would be  
17 significant at all.

18 MR. SIMON: Could you look at those  
19 numbers after the hearing is over and let us know if  
20 there are any changes which need to be made?

21 MR. PROST: I would be happy to, this or  
22 any other table you want, have specific questions,  
23 would be happy to answer.

24 MR. SIMON: Thank you very much.

25 CHAIRPERSON BENNETT: Anyone else have  
26 questions of Mr. Prost?

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1 (No response.)

2 CHAIRPERSON BENNETT: Do you have

3 questions of other witnesses?

4 MR. WESTBROOK: No.

5 CHAIRPERSON BENNETT: Mr. Waldron,

6 questions of other witnesses?

7 MR. WALDRON: No.

8 CHAIRPERSON BENNETT: Mr. Simon?

9 MR. SIMON: Madame Chair could I ask

10 just one more set of questions?

11 CHAIRPERSON BENNETT: Sure. We have

12 four minutes.

13 MR. SIMON: I have couple questions

14 about jobs for whomever on the team is the

15 appropriate person to ask about jobs.

16 MR. FRANKLIN: I wonder sir if you could

17 reserve your right to question because I am very

18 anxious to hear the position that you have on the

19 project and that will enable me to judge much more

20 efficiently the relevance of you questions. Are you

21 three here to oppose this project?

22 MR. SIMON: Yes, Mr. Franklin. Both

23 ANCs have submitted letters of opposition.

24 MR. FRANKLIN: And the basis for the

25 opposition, if you could just go to you testimony,

26 if the chair doesn't mind, then I wouldn't find it

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1 as difficult exactly what the drift of some of these  
2 questions is.

3 CHAIRPERSON BENNETT: That's taking us  
4 out of order.

5 MR. FRANKLIN: Well then don't.

6 MR. SIMON: Mr. Franklin, if you do have  
7 handy the ANC reports, they would give you quick  
8 overview of the Commissions positions.

9 CHAIRPERSON BENNETT: He may have done  
10 like I did and left it in my packet that is about  
11 this big at home.

12 MR. PARSONS: I am selling copies down  
13 at this end.

14 (Laughter.)

15 CHAIRPERSON BENNETT: Let try to finish  
16 up the cross examination and then we will start that  
17 in November with the Office of Planning report. Who  
18 from the applicant's panel is best able to handle  
19 questions regarding job generation?

20 MS. GIARDANO: That's too vague. Maybe  
21 you could ask the question.

22 CHAIRPERSON BENNETT: Why don't you ask  
23 the question so that they can determine who best --

24 MR. SIMON: Certainly, that is fine.  
25 One of the important aspects that has been promised  
26 the community is jobs. We would like to know if

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1       there have been any discussions with any contractors  
2       on methods that they will use to ensure that  
3       residents of our neighborhoods will have an  
4       opportunity, not just an opportunity, will have an  
5       excellent opportunity to achieve those jobs?

6               CHAIRPERSON BENNETT:   Okay.   Mr.  
7       Anderson.

8               MS. SMALLWOOD:   I am Commissioner  
9       Juanita Smallwood, but I represent 6B-02 --

10              CHAIRPERSON BENNETT:   And you were  
11       wonderful on the --

12              MS. SMALLWOOD:   It seems that I am not  
13       going to be able to give testimony to talk about the  
14       Florida Rock and the ECC because so much time has  
15       been taken up.

16              CHAIRPERSON BENNETT:   That's right, not  
17       tonight.

18              MS. SMALLWOOD:   There are a lot of other  
19       folks in this room that have important issues to  
20       talk about.

21              CHAIRPERSON BENNETT:   I understand but  
22       we are identifying another date and time so that you  
23       will be able to --

24              MS. SMALLWOOD:   -- the positions that  
25       Gottlieb Simon was just getting ready to give out  
26       information about, for the record Gottlieb, could

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1       you just clear for me --

2                   CHAIRPERSON BENNETT:  Ms. Smallwood that

3       is out of order.  And let me finish please.  We have

4       tried to identify another date and time so that you

5       and others who would like to testify but who have

6       not had an opportunity to do so in the sessions that

7       we have had will be able to so.  We are not at the

8       point where the ANC is giving its oral statement

9       just yet.  What they have done is submitted it into

10      the record in a letter form.  And when they get an

11      opportunity to give their testimony you will be able

12      to hear them and they will have to stand cross

13      examination just like applicant's people are

14      standing cross examination now.  Do you see what I

15      am saying?  And I have to apologize that we did not

16      know that -- I thought we would be able to wrap

17      things up tonight.  But we have to let the process

18      take its course.  And each of the applicant's

19      witnesses must stand cross examination.  So it is

20      taking much longer than any of us thought.  I didn't

21      expect it to take an hour or however long it has

22      taken so far.  What I would like to be able to do is

23      wrap up cross examination tonight so that when we

24      come back in November we are able to start with the

25      report of the Office of Planning, the report of

26      other agencies, then the report of Advisory

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1 Neighborhood Commissions 6B and 2D, then persons in  
2 support, then persons in opposition. Okay that is  
3 the balance of the agenda as we will move through as  
4 orderly as possible. And I am sorry that has taken  
5 so much time and that other people have had to go  
6 home. But that is our process. And we have to find  
7 another date so that everyone can come back and give  
8 us their full testimony and participate.

9 MS. SMALLWOOD: Okay.

10 CHAIRPERSON BENNETT: Thank you.

11 MR. SIMON: Madame Chair, we have had  
12 lots of experience trying to make sure that  
13 residents of our neighborhoods get jobs on  
14 construction sites, so I was wondering whether or  
15 not on the team had talked to a contractor in  
16 advance, same way they make conversations about  
17 designs and availability of contractors to discuss  
18 this issue.

19 CHAIRPERSON BENNETT: Okay, Mr.  
20 Anderson.

21 MR. ANDERSON: Yes. The question is  
22 jobs?

23 MR. SIMON: Yes. Mr. Anderson, have you  
24 or any members of the team talked to any contractors  
25 with regard to assuring the residents of our  
26 neighborhoods will get jobs? As you know

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1 frequently, despite people's good intentions unless  
2 there has been a lot of work with the contractor it  
3 doesn't happen. And I know you have good  
4 intentions, but we need this kind of preparations.

5 MR. ANDERSON: I would say this, of  
6 course, as you well know, until and unless this  
7 actual construction happens of the PUD there is no  
8 construction nor no contractors. On the other hand  
9 with our partnership with the ECC already and I  
10 think as you guys know, we have one or two  
11 industrial tenants. They have some 20 to 30  
12 existing ongoing jobs as far as these aggregate  
13 operations on these properties now. We have put the  
14 community in touch through the Earth Conservation  
15 Corps with those operators in hopes as openings  
16 occur, and I can tell there is a very active  
17 interest on the part of these operators to hire  
18 locally from the community, that is already in  
19 place, that is already underway whether we ever get  
20 the PUD.

21 CHAIRPERSON BENNETT: Let me just also  
22 suggest that a lot of this is a stage 2 matter. If  
23 you recall in the first stage of a PUD we are  
24 looking primarily at some of the things that you  
25 have outlined, that Mr. Thomas Wells outlined in his  
26 letter, size, bulk, certainly those kinds of things

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1 in kind of broad brush matter. The parameters  
2 within which the development will take place is what  
3 we focus on most in the first stage. In the second  
4 stage it is kind of like coloring in a coloring  
5 book, fine tune it. So some of the things that Mr.  
6 Anderson mentioned earlier about some of the  
7 amenities packages and the rest that you ask come at  
8 a second stage where we know a little more about the  
9 details of the PUD and what kinds of opportunities  
10 it will in fact generate right now we are looking at  
11 the broadest parameters of that development.

12 MR. NIXON: I would just like to follow  
13 up on that question, which is just the one point of  
14 are -- what we had the opportunity to do is with  
15 this lead time is it is not just a matter of getting  
16 a job, it is being ready for that job and keeping  
17 it. And that is something where the ECC working  
18 with the community is in an ideal position to really  
19 make this work.

20 MR. SIMON: Jobs are very  
21 important to all us so that is why I make some  
22 emphasis on this. And in the submission the  
23 applicant binds themselves to follow the  
24 requirements of the first source of law in the  
25 District of Columbia. I don't know who wants to  
26 deal with that. But I am wondering whether or not  
the team is aware of the deficiencies in the first

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1 source of --

2 CHAIRPERSON BENNETT: Mr. Simon that is  
3 for real a second stage question, it really is.

4 MR. SIMON: But jobs are our first stage  
5 concern.

6 CHAIRPERSON BENNETT: For real we have  
7 had our own seminars right here in the Zoning  
8 Commission about that and we have DOES people come  
9 in and we have had NBOC people come in because we  
10 were interested in monitoring what happens to PUDs  
11 and those provisions in PUDs. But that is a fine  
12 tune detail that I would invite you to ask at the  
13 second stage. And I know you will be back and I  
14 know you ask.

15 MR. SIMON: I appreciate the Commissions  
16 involvement in those issues.

17 CHAIRPERSON BENNETT: Mr. Waldron do you  
18 have questions of Mr. Anderson, follow up.

19 MR. WALDRON: Peter Waldron. My  
20 understanding as I have grown and come to know a  
21 little more about the ECC business is that it  
22 significantly alters the application. From my  
23 understanding, unless I am incorrect, a memo of  
24 understanding has to be filed, has that been filed?

25 CHAIRPERSON BENNETT: A memorandum of  
26 understanding for what?

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1 MR. WALDRON: On the application itself.

2 MR. SIMON: Pursuant to the PUD  
3 regulations, I think is what Mr. Waldron is  
4 referring to.

5 CHAIRPERSON BENNETT: That is a second  
6 stage matter as well.

7 MS. GIARDANO: Yes and I think that  
8 applies, if it is something sort of outside of the  
9 hearing and we are all right here.

10 MR. SIMON: Thank you.

11 MS. GIARDANO: Madame Chairperson I  
12 thought I heard November and --

13 CHAIRPERSON BENNETT: Yes ma'am.  
14 November 3 at eight o'clock is what we are  
15 suggesting.

16 MS. GIARDANO: Mr. Haase had submitted a  
17 letter saying that November is when he expected the  
18 DOT legislation to pass the Congress and I am just  
19 asking if there isn't any earlier date even if we  
20 piggy-back onto another item or --

21 CHAIRPERSON BENNETT: If you notice we  
22 are working with a three legged horse here. We have  
23 one member whose family is facing some serious  
24 difficulties. We have other members who are not  
25 going to be available even if we wanted to rope them  
26 back and buckle them down. And we sat up here if

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1     you noticed trying to figure out for some length of  
2     time when we could do this. November 3 is the  
3     earliest date. And that will have to be a eight  
4     o'clock because one of us has something to do up  
5     until then.

6                 MR. FRANKLIN: We have spent many hours  
7     on this particular project.

8                 CHAIRPERSON BENNETT: Many hours.

9                 MR. FRANKLIN: I guess my question to  
10    you all is when would stage 2 be something you would  
11    be prepared to deliver to us to look at?

12                MS. GIARDANO: We want to turn it around  
13    very rapidly. We are not looking for a two year  
14    hiatus here, but coming back within a year if this  
15    DOT tracks the way we are hoping it will.

16                MR. FRANKLIN: Let me ask you this,  
17    maybe Mr. Haase can answer this question, if the 11b  
18    resolution is what they call it. We really are  
19    looking at committee action not full House action.

20                MR. HAASE: You are looking at both.  
21    You are looking Senate approval right now.

22                MR. FRANKLIN: When would the DOT be  
23    prepared to receive the tour of proposals?

24                MR. HAASE: Right away is the way they  
25    said it to me. It will be a goal of GSA. I am sure  
26    GSA would get right on it. That speaks to one

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1 point. The other point that I respectfully ask you  
2 to consider is that the government moves at a snails  
3 pace rather than the private sector and when I am  
4 hearing two years, I would ask you to consider who  
5 you are dealing with in a situation like this.

6 MR. FRANKLIN: I am getting mixed  
7 signals. On the one hand we are being told the  
8 government moves at a snails pace and on the other  
9 hand we are being told that something is going to  
10 happen right away.

11 MR. HAASE: Well, I know. If they go  
12 out with their solicitations, say they go out with  
13 their solicitations November 1, just say they pass  
14 it next week and they said go. You said your  
15 hearing is November 3 and you haven't passed the  
16 PUD, I don't know if they are going to let you bid  
17 without an approved PUD. I will say they will not.  
18 That is the critical right there.

19 MR. FRANKLIN: As Ms. Dobbins can  
20 explain, but in our normal process if we were to  
21 conclude the hearing tonight and it was my hope we  
22 would when would we be taking action under the best  
23 of circumstances?

24 MS. DOBBINS: Under the best of  
25 circumstances it would probably be next month, if  
26 you kept the record open for a brief period of time.

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1 CHAIRPERSON BENNETT: And then there is  
2 NCPC review.

3 MR. FRANKLIN: I don't see us concluding  
4 tonight. I told the chair I would stay until 11:00  
5 if it looked like there was any hope but I don't  
6 think there is any hope the way we are proceeding.

7 MR. HAASE: That becomes a critical  
8 issue is the November 3 against the solicitation or  
9 the request for proposals.

10 CHAIRPERSON BENNETT: I don't know what  
11 we could --

12 MR. SIMON: I thought Mr. Haase's letter  
13 indicated November 14 was when he anticipated the  
14 Senate action.

15 MR. HAASE: That was a general -- that  
16 is a moving --

17 MR. FRANKLIN: Congress is going to go  
18 out of session about mid November.

19 MR. HAASE: That is right, that is a  
20 moving target. I talked to them today and they are  
21 talking about going ahead.

22 MS. GIARDANO: I was just going to ask  
23 if there is any possibility if this could be tacked  
24 on to the October 20 regular meeting.

25 MS. DOBBINS: That's been changed  
26 already.

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1 CHAIRPERSON BENNETT: That has been  
2 changed. We are really working here with not a full  
3 panel and difficulties among its members in terms of  
4 -- difficulties of things that come up. It would be  
5 different if we had all members available but we  
6 just don't.

7 MR. FRANKLIN: We have one vacancy and  
8 one member who can't attend.

9 Who else is going to testify?

10 CHAIRPERSON BENNETT: Is cross  
11 examination completed?

12 MR. FRANKLIN: Who else wishes to  
13 testify tonight?

14 MR. SIMON: I guess it is.

15 MR. FRANKLIN: Let me ask if there is --

16 MS. SMALLWOOD: Juanita Smallwood,  
17 Commission 6B-02.

18 MR. FRANKLIN: And who else?

19 CHAIRPERSON BENNETT: The problem is it  
20 comes out of order. We haven't heard from OP. A  
21 good portion of our procedure is arranged as it is  
22 so that the citizenry and others can be as well  
23 informed as possible before they come up to testify.  
24 So we have our applicant's layout in excruciating  
25 detail what is they want to do. We have the  
26 official response from the Office of Planning. We

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1 have cross examination of all that. And then we  
2 have persons and parties in support and opposition  
3 in part for educational purposes as well as anything  
4 else. So when we start taking people out of line  
5 the process goes haywire.

6 MR. FRANKLIN: I withdraw the  
7 suggestion.

8 CHAIRPERSON BENNETT: I didn't mean to  
9 sound -- it is just the way it happens. Were there  
10 any other people you wanted to question so we don't  
11 have revisit that?

12 MR. FRANKLIN: And refine yourself to  
13 the part 1 submission concerns which were addressed  
14 in your letter of March.

15 CHAIRPERSON BENNETT: Mr. Wells' letter.

16 MR. FRANKLIN: But a lot of your  
17 questions were really addressed to part 2  
18 considerations and that's what was concerning me  
19 before. So if you could keep them in --

20 MR. SIMON: We won't ask any more  
21 questions this evening. Perhaps if you give us a  
22 little leeway during our presentation if we veer  
23 someplace or another but we are prepared to --

24 CHAIRPERSON BENNETT: Let me just say  
25 that frequently it is more efficient to state  
26 clearly what it is that you see or understand or

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1 disagree with then it is to try to elicit it through  
2 cross examination and in effect have the applicant  
3 make your case or make you point. It is a little  
4 more tortuous that way.

5 MR. SIMON: Certainly.

6 CHAIRPERSON BENNETT: Although you do  
7 have the grist for the mill in their presentation,  
8 in their reports, and in their testimony against  
9 which you can ask questions. So if you have no  
10 further questions.

11 MR. SIMON: No further questions.

12 CHAIRPERSON BENNETT: All right.

13 MR. WESTBROOK: I want to go home.

14 CHAIRPERSON BENNETT: I know, you are  
15 not by yourself. We used to do this years ago until  
16 well after 11:00, 11:30, remember those days?

17 MR. WESTBROOK: I remember them.

18 CHAIRPERSON BENNETT: We are not  
19 chickens anymore.

20 Okay, several things were asked to come  
21 into the record. One is Mr. Dobbins resume. The  
22 other is a diagram showing the property line, the  
23 bulkhead, the bulkhead line, and some resolution to  
24 the question of who owns the property between the  
25 bulkhead line and the property line. The third  
26 thing that I have is any communication that you have

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1 received, I am talking now to the applicant, from  
2 the Army Corps of Engineers. And we were asked to  
3 leave the record open to receive the Committee of  
4 100's testimony but is still open so they should be  
5 able to get that in. Was there anything that I may  
6 have overlooked that was supposed to come into the  
7 record that we would normally be saying if I were to  
8 wrap this up, please have it in by a time certain?

9 MS. DOBBINS: Well I still think that  
10 the information come in prior to the hearing date so  
11 that persons can come in and review the record in  
12 advance.

13 CHAIRPERSON BENNETT: As well any  
14 material that was passed out, please make sure that  
15 6B and 2D get copies.

16 MS. DOBBINS: Madame Chair I would like  
17 to request that those persons who spoke into the  
18 microphone at all tonight and did not submit witness  
19 cards, please fill out two tonight and give them to  
20 the court reporter.

21 CHAIRPERSON BENNETT: All right now we  
22 will reconvene on Monday, November 3 at 8:00 p.m. I  
23 am sorry for whatever inconvenience this has caused  
24 and we hope to see you then. Thank you.

25 (Whereupon, the proceedings in the  
26 above-entitled matter were adjourned at 10:46 p.m.,

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1 to reconvene at 8:00 p.m., November 3, 1997.)  
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